

EXHIBIT I

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT
3 OF PENNSYLVANIA

5 DAMON CHAPPELLE, *
6 Plaintiff * Case No.
7 vs. * Civil Action-Law
8 DAVID VARANO, SUPERINTENDENT, * 11-0304
9 SCI-COAL TOWNSHIP; MICHELLE *
10 KODACK, RECORDS SUPERVISOR, *
11 SCI-COAL TOWNSHIP; DEBORAH *
12 HERBST, RECORDS SPECIALIST, *
13 SCI-COAL TOWNSHIP; MR. DUNN, * DEPOSITION OF
14 UNIT MANAGER, SCI-COAL * DAMON CHAPPELLE
15 TOWNSHIP; MS. FOULDS, * July 24, 2012
16 COUNSELOR, SCI-COAL TOWNSHIP; *
17 JOHN DOE; JANE DOE 1; and, * 
18 JANE DOE 2, in their *
19 individual and official *
20 capacities, *
21 Defendants *

11

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25 by the certifying agency.

1 DEPOSITION
2 OF
3 DAMON CHAPPELLE, taken on behalf of the Defendants
4 herein, pursuant to the Rules of Civil Procedure,
5 taken before me, the undersigned, Nicole Montagano,
6 a Court Reporter and Notary Public in and for the
7 Commonwealth of Pennsylvania, at the offices of
8 Pennsylvania Institute Law Project, 718 Arch Street,
9 Suite 304, South Philadelphia, Pennsylvania, on
10 Tuesday, July 24, 2012, at 10:04 a.m.

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1 A P P E A R A N C E S

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17 ALSO PRESENT: SHAWN CABINIAN, LAW STUDENT

18 PAUL REMY, LAW STUDENT

19

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1 I N D E X

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1 P R O C E E D I N G S

2 -----
3 DAMON CHAPPELLE, HAVING FIRST BEEN DULY SWORN,
4 TESTIFIED AS FOLLOWS:
5 -----

6 COURT REPORTER:

7 Usual stipps?

8 ATTORNEY TOBIN:

9 Yeah, reserving the objections except
10 for form of the question until trial.

11 ATTORNEY KEATING:

12 And do you want to waive the read and
13 sign or do you want to read and sign?

14 ATTORNEY TOBIN:

15 We do want to read and sign.

16 EXAMINATION

17 BY ATTORNEY KEATING:

18 Q. Mr. Chappelle, my name is Timothy Keating with
19 the Office of Attorney General. I'm here to take
20 your deposition today in the case of Damon Chappelle
21 versus David Varano and various other members of the
22 Department of Corrections. I represent most, but not
23 all, Defendants in this case, as you're well aware
24 of. Are you?

25 A. Yes.

1 Q. Okay. And before we start the deposition, we're
2 going to talk about the ground rules of the
3 deposition that we will follow. Have you ever been
4 deposed before?

5 A. No.

6 Q. You're not sure? Or you're pretty sure you were
7 not? Okay. First of all, you have to answer all
8 questions verbally because we have a stenographer and
9 a head shake one way or the other or an uh-huh, an
10 uh-uh or hand gesticulation will not come up on the
11 record. So therefore, all your answers to all my
12 questions have to be verbal; is that fair?

13 A. Fair.

14 Q. Second of all, if I ask you a question and you
15 don't hear the question because I don't speak clearly
16 enough, just tell me to repeat the question. I'll
17 repeat the question, make sure you hear it. Okay?

18 A. All right.

19 Q. If I ask you a question and you don't understand
20 the question because the way I phrase it is difficult
21 to understand, tell me that. I'll rephrase the
22 question in a way that you will understand it
23 hopefully, and you'll be able to answer it.

24 A. Okay.

25 Q. Square on that?

1 A. Squared away.

2 Q. So if I ask you a question and you answer the
3 question, I'm going to assume you heard the question
4 and understood the question and you're answering it
5 to the best of your ability to answer me. Okay?

6 A. All right.

7 Q. Please don't try to guess an answer, you can
8 estimate if you want to. And if you are going to
9 estimate, tell me. I think it's around such and such
10 date or such and such time, but please don't try to
11 guess. Is that fair?

12 A. That's fair.

13 Q. If you want to take a break at any time, you're
14 to do so. If you don't want to answer a question
15 because you don't think it's fair, you think it's too
16 personal, for whatever reason, we'll talk about that.
17 You can take a break with your attorney and talk
18 about it. Sometimes I have people who have security
19 concerns, they don't want to give out certain
20 information, and if that's the point, then we'll talk
21 about it and we'll see where we're at with that. But
22 typically, we don't have a problem with that. But if
23 that does happen, let us know. Okay?

24 A. Okay.

25 Q. Do you have any questions about how the

1 deposition is going to work?

2 A. No.

3 Q. Did you talk to your Counsel about the
4 deposition and what all that involves?

5 A. Yes.

6 Q. After I'm done asking you questions, your
7 Counsel can ask you questions and put it on the
8 record in case that she believes that you misspoke or
9 something like that. If at any time during the
10 deposition, you think back on a question and answer
11 that you gave and you want to change it, that's fine.
12 Okay?

13 A. Okay.

14 Q. If you say, oh, my goodness two minutes ago I
15 say X, Y and Z, it's really not the way it is, it's
16 A, B and C, you can do that. Okay?

17 A. All right.

18 Q. Is there any reason why we can't take your
19 deposition today?

20 A. No.

21 Q. Are you on any drugs or medication that would
22 impair your ability to hear questions and understand
23 questions?

24 A. No.

25 Q. Are you under any drugs, alcohol or anything

1 that would impair your ability to answer questions
2 truthfully, honestly and to the best of your
3 knowledge?

4 A. No.

5 Q. Typically, what I do is I start out by asking a
6 lot of background questions about where you were
7 born, what your educational history is, and that sort
8 of thing. Then I ask a series of questions about the
9 lawsuit that you have and the complaint and that sort
10 of thing. Sometimes I may jump back and forth a
11 little bit because I'm a little scatterbrained. But
12 don't worry about that, it'll get done quick and
13 easy. Are we on the same page?

14 A. Same page.

15 Q. Okay. What's your name?

16 A. Damon Chappelle.

17 Q. And when were you born?

18 A. April 3rd, 1975.

19 Q. And was your father --- or your mother Deborah?

20 A. Yes.

21 Q. And your father's name?

22 A. Harold Fluellen.

23 BRIEF INTERRUPTION

24 A. F-L-U-E-L-L-E-N.

25 BY ATTORNEY KEATING:

1 Q. And where were you born, Mr. Chappelle?

2 A. Philadelphia.

3 Q. You also go by the name of Kevin Jessup; is that
4 true?

5 A. Yes.

6 ATTORNEY TOBIN:

7 Is that currently?

8 ATTORNEY KEATING:

9 We'll just say at any time.

10 BY ATTORNEY KEATING:

11 Q. Do you also go by the name Kevin Jessup?

12 A. I've used that name before.

13 Q. Okay. So you have gone under the name of Kevin
14 Jessup. Is that a correct statement?

15 A. Yes.

16 Q. Have you ever gone under any other names besides
17 Kevin Jessup and Damon Chappelle for any reason?

18 A. Yes.

19 Q. What other names had you gone under?

20 A. Damon Jessup, Damon Morrison.

21 Q. Can you tell me approximately when you started
22 to use the name Kevin Jessup?

23 A. January 25, 1995.

24 Q. And what was the purpose of using that name?

25 Excuse me, strike that.

1 Did you ever have your name --- you were born
2 Damon Chappelle; correct?

3 A. Correct.

4 Q. Okay. Did you ever have your name legally
5 changed to another name?

6 A. No.

7 Q. And in January of '95, why did you start using
8 the name Kevin Jessup?

9 A. I was arrested.

10 Q. Okay. Is there a Kevin Jessup out there that
11 you used that name from or how did you come up with
12 that name?

13 A. That's my uncle.

14 Q. Okay. And you also used Damon Jessup at some
15 point?

16 A. Prior to using Kevin Jessup.

17 Q. And you also used Damon Morrison?

18 A. Correct.

19 Q. Are you currently --- what name are you
20 currently using?

21 A. Damon Chappelle.

22 Q. And where do you currently live?

23 A. Excuse me?

24 Q. Where do you live?

25 A. South Philadelphia.

1 Q. Okay. Do you have an address?

2 A. Excuse me?

3 ATTORNEY TOBIN:

4 He just moved and he just gave it to
5 me. I can go ---.

6 ATTORNEY KEATING:

7 Well, that's okay.

8 BY ATTORNEY KEATING:

9 Q. You're living in south Philly?

10 A. Right.

11 Q. Who are you living with?

12 A. My sister.

13 Q. Okay. You have a daughter; correct?

14 A. Correct.

15 Q. Any other children except for the one?

16 A. No.

17 Q. How old is she, ---

18 A. Eighteen (18).

19 Q. --- approximately? Okay. And you have --- is
20 it three brothers and sisters or four?

21 A. Four.

22 OFF RECORD DISCUSSION

23 BY ATTORNEY KEATING:

24 Q. And you're currently working at where?

25 A. I recently just stopped working.

1 Q. And where did stop working? Where were you
2 working?

3 A. L.A. Fitness.

4 Q. And how long had you worked there,
5 approximately?

6 A. About three years.

7 Q. Any particular reason why you're no longer
8 working there? You can fudge it a little bit. I
9 don't know what --- if I were your next employer
10 saying, why did you leave L.A. Fitness, what would
11 you tell me?

12 A. I had issues there.

13 Q. Okay. You had issues with your employer. We'll
14 leave that, is that okay?

15 A. (Indicates yes.)

16 Q. Okay. Are you still on parole?

17 A. Yes.

18 Q. And do you know George Reid?

19 A. Yes.

20 Q. Is he your parole officer?

21 A. Yes.

22 Q. Are you about ready to get off?

23 A. Yes.

24 Q. When?

25 A. July 30.

1 Q. Okay. Your birthday is coming early this year.
2 You're going to be done with all your parole on July
3 30, that's it?

4 A. Done.

5 Q. How's George treat you?

6 A. He's all right.

7 Q. Okay. He speaks very highly of you. You don't
8 have any restitution or fines you owe in either
9 federal or ---

10 A. No.

11 Q. --- state convictions or anything of that stuff?

12 Okay.

13 ATTORNEY TOBIN:

14 You need to wait until he's done with
15 the question before you answer.

16 BY ATTORNEY KEATING:

17 Q. You'll know what the question is but for the
18 purposes of the stenographer, we sort of have to
19 wait. How many times have you been arrested, Mr.
20 Chappelle?

21 A. I'm not sure.

22 Q. Can you approximate? Can we say less than 30
23 and more than two?

24 A. Less than 30 and more than two.

25 Q. Can we narrow it down a little bit than that?

1 A. Four.

2 Q. Now, you spent time in state prison; correct?

3 A. Correct.

4 Q. And what was that conviction for?

5 A. Robbery.

6 Q. And what was your sentence by the sentencing
7 court?

8 A. Six to 12 years.

9 Q. And was that your first conviction as an adult?

10 A. No.

11 Q. Any prior convictions prior to that, other than
12 misdemeanors or did you have any prior felonies?

13 A. No, they were misdemeanors.

14 Q. Okay. And did you plead or go to the jury on
15 that or how did that conviction come about?

16 A. Trial.

17 Q. And were you incarcerated pending trial or were
18 you out on bail?

19 A. Pending trial.

20 Q. So all the time you spent pending trial was
21 credited toward that state sentence?

22 A. Correct.

23 Q. And then after trial, a presentence
24 investigation report was done and you then went to
25 sentencing; correct?

1 A. Correct.

2 Q. Do you know who a Joseph Tobin is ---

3 A. No.

4 Q. --- in the Presentence Investigation Division?

5 No? Okay. It's not a trick question. That's okay.

6 ATTORNEY TOBIN:

7 I'd be curious to know who Joseph Tobin
8 is.

9 ATTORNEY KEATING:

10 He's in Presentence Investigation
11 Division that reviewed your case prior to being
12 sentenced.

13 BY ATTORNEY KEATING:

14 Q. And where did start serving your state sentence
15 in the state institution? Camp Hill?

16 A. I think it was Graterford first, then Camp Hill.

17 Q. Did they --- after you were convicted and/or
18 sentenced, were you transferred from county to
19 Graterford?

20 A. Yes.

21 Q. And you were held pending a transfer to Camp
22 Hill?

23 A. Correct.

24 Q. And then you went to Camp Hill and then you went
25 through processing and they decided which SCI they

1 want to send you to?

2 A. Correct.

3 Q. And can you tell me approximately when that was
4 that you were in Camp Hill?

5 A. 1996.

6 Q. And where did they send you from Camp Hill?

7 What state correctional institution?

8 A. SCI Coal Township.

9 Q. Did you do all of your state time in Coal
10 Township after you left Camp Hill?

11 A. What do you mean all?

12 Q. The time that you did on your state sentence
13 after you left Camp Hill, did you do all of your
14 state time in Coal Township?

15 A. Yes.

16 Q. There may have been times they transferred you
17 to Graterford if you had a court hearing or something
18 like that, but you weren't permanently reassigned to
19 Huntingford (sic) or Smithfield or anything like
20 that; is that a correct statement?

21 A. Correct.

22 Q. And there was a point in time when you were
23 paroled from Coal Township; correct?

24 A. Correct.

25 Q. Let out on parole by the State --- the

1 Pennsylvania Board of Probation and Parole; correct?

2 A. Correct.

3 Q. And I assume for the sake of discussion, at the
4 time that you were paroled by Pennsylvania Board of
5 Probation and Parole from Coal Township, the
6 individuals at Coal Township approved or recommended
7 you for parole before the Parole Board?

8 A. Correct.

9 Q. Had you ever been denied --- excuse me, strike
10 that.

11 When was the first time you were paroled by the
12 Pennsylvania Board of Probation and Parole from SCI
13 Coal Township and let back out on the street, if you
14 know? I have a copy of the Complaint, if you want
15 to review that if that would help you refresh your
16 recollection.

17 A. Can you ask that question again?

18 Q. You went from Camp Hill to SCI Coal Township,
19 and then you were released out on state parole at
20 some point.

21 A. Right.

22 Q. When?

23 A. 2001.

24 Q. Had you ever been denied parole from the
25 Pennsylvania Board of Probation and Parole prior to

1 2001 when you were at SCI Coal Township?

2 A. No.

3 Q. Is that the first time you were up for parole?

4 A. Yes.

5 Q. In 2001, prior to being released on parole by
6 the Pennsylvania Board of Probation and Parole, do
7 you know what your maximum date was? If you can give
8 me a year, that would be fine.

9 A. 2007.

10 Q. And do you recall --- I'll read this from your
11 Complaint. In April 2001, Mr. Chappelle was granted
12 parole. So was it in April of 2001 when you were
13 granted parole?

14 A. Yes.

15 Q. All right. Okay.

16 ATTORNEY TOBIN:

17 Can I add a clarifying question?

18 ATTORNEY KEATING:

19 Okay.

20 ATTORNEY TOBIN:

21 Were you granted parole then or were
22 you released on parole?

23 A. I was released in 2000 --- April.

24 BY ATTORNEY KEATING:

25 Q. Okay. You were released on parole?

1 A. Uh-huh (yes).

2 Q. Okay. What's the difference between being
3 released on parole and being granted parole?

4 A. I was granted parole months before that.

5 Q. Okay. You can actually be on parole and still
6 be in prison; correct?

7 A. Correct.

8 Q. And it's not until you're released on parole is
9 when you go outside the physical confines of the
10 prison; correct?

11 A. Correct.

12 Q. There are a lot of people, inmates who are
13 waiting to be released to a CCC, who are on parole
14 but who are in an SCI; right?

15 A. Right.

16 Q. So you were released on parole in 2001, April
17 2001?

18 A. Correct.

19 Q. When were you granted parole?

20 A. I believe in 2000 ---.

21 Q. I can see here it says his, meaning your, his
22 minimum date, the date on which he was first eligible
23 for parole, was January 26, 2001?

24 A. Right.

25 Q. Okay. Were you granted parole in January of

1 2001 and released in April? Does that sound about
2 right?

3 A. Right.

4 Q. The records will show that, but overall that's
5 about correct?

6 A. Correct.

7 Q. Did you need a home plan to be released?

8 A. Yes.

9 Q. Did you have one in January? Why did it take
10 from January to April to get released, do you know?

11 A. I was awaiting for a bed date in a CCC.

12 Q. And is that in Region One, Philadelphia?

13 A. Yes.

14 Q. Okay. It's hard to get a bed date in
15 Philadelphia, isn't it?

16 A. Yes.

17 Q. Okay. And were you released to the CCC in April
18 of 2001?

19 A. Yes.

20 Q. And how long did you stay in the CCC,
21 approximately?

22 A. About three months.

23 Q. From April --- or excuse me, from January
24 to April of 2001, you were in SCI Coal Township
25 waiting to be released on parole; correct?

1 A. Correct.

2 Q. Did you have a parole agent at the time?

3 A. I'm not sure.

4 Q. Okay. I'm not sure is a perfectly good answer
5 as long as you're not sure. I don't know is a
6 perfectly good answer as long as you don't know. Did
7 they have parole officers assigned to SCI Coal
8 Township?

9 A. I'm not sure.

10 Q. When you were at Coal Township, if you had
11 questions about parole, you don't know whether there
12 were individuals from parole assigned to SCI Coal
13 Township; is that a correct statement?

14 A. No, I know they had --- I'm not sure if they
15 were parole officers, but there was somebody from the
16 parole that you would see.

17 Q. So the parole --- the Pennsylvania Board of
18 Probation and Parole sort of had a mini office at the
19 prison?

20 A. Correct.

21 Q. You don't know whether you had an actual parole
22 agent assigned to you in January of 2001 when you
23 were granted parole?

24 A. Oh, I had one.

25 Q. Okay. And who was that?

1 A. I'm not sure.

2 Q. Was that person located at Coal Township or were
3 they located in Philadelphia, where was that person
4 located?

5 A. Well, I had --- it was someone you see in parole
6 when you're in an institution. When I was released,
7 I had a parole officer while I was at the CCC.

8 Q. Okay.

9 A. Someone completely different.

10 Q. Correct. Were you assigned to somebody from the
11 Parole Board, I don't want to say a parole officer,
12 but were you assigned to someone from the Parole
13 Board at SCI Coal Township when you were granted
14 parole in January of 2001?

15 A. Yes.

16 Q. Was that person located at SCI Coal Township?

17 A. Yes.

18 Q. And then when you went to the CCC, you had a
19 parole agent or officer assigned to you or you --- at
20 the CCC?

21 A. Correct.

22 Q. And then once you left the CCC and went through
23 your home plan, you had another parole officer
24 assigned to you; correct?

25 A. No.

1 Q. Did you keep the same one you had in the CCC or
2 did you just --- were you unsupervised?

3 A. Unsupervised.

4 Q. You didn't have to report to anybody?

5 ATTORNEY TOBIN:

6 Do you understand the question?

7 A. It's --- I don't really --- no, I don't really
8 understand.

9 BY ATTORNEY KEATING:

10 Q. Okay. When you were in the CCC, when you were
11 released in April of 2001, you had a parole officer;
12 correct?

13 A. Correct.

14 Q. You were allowed out of the CCC and could sign
15 back in; is that a correct statement?

16 A. Yes, that's correct.

17 Q. And you were accountable to one particular
18 parole person there inside the CCC; right?

19 A. Correct.

20 Q. And they would monitor your behavior and made
21 sure you went through all the rules and that sort of
22 thing?

23 A. Correct.

24 Q. And you had a home plan before you went to the
25 CCC because that was required by the parole board;

1 right?

2 A. Correct.

3 Q. And after you're done with the CCC, they
4 released you from the CCC and you went and lived
5 wherever it was that your home plan was; correct?

6 ATTORNEY TOBIN:

7 So if I can ask a clarifying question
8 here? Did you go to your home plan?

9 A. No.

10 BY ATTORNEY KEATING:

11 Q. Okay. Where did go?

12 A. Well, I didn't go to my assigned home plan.

13 Q. Okay. Did you get in trouble for that?

14 A. Yes.

15 Q. Did they yank your parole because of that? Or
16 did they --- because of that, let's put it that way?

17 A. It was considered abscond.

18 Q. Okay. Did you ever report back in or was the
19 next time that you had contact was when the feds
20 picked you up? Do you understand the question?

21 A. Yeah, I had contact with my parole officer about
22 a week after I was arrested.

23 Q. And prior to that, you did not have contact with
24 anyone from parole from the time that you had left
25 the CCC; correct?

1 A. Correct.

2 Q. Okay. And that's when you had federal charges
3 brought against you for new offenses; correct?

4 A. Correct.

5 Q. And that was possession of a firearm, that was
6 one of the charges?

7 A. Correct.

8 Q. And possession of illegal drugs was another?

9 A. Correct.

10 Q. Are those the only two?

11 A. Yes.

12 Q. There might have been some other add-ons such as
13 conspiracy to possess, other things, but those are
14 the major two that you were looking at; correct?

15 A. Right.

16 Q. And were you aware that once the Pennsylvania
17 Board of Probation and Parole were contacted after
18 your arrest by the feds, did they put a detainer on
19 you?

20 A. Can you repeat the question?

21 Q. Were you aware that after you contacted the
22 Board of Probation and Parole after your arrest by
23 the feds, the Board of Probation and Parole put a
24 detainer on you?

25 A. Yes.

1 Q. Meaning, that once the feds were done with you,
2 dear feds, don't release this guy out to the street.
3 You have to send him back to us for us to decide what
4 to do with his tail end of what he owes us; is
5 that ---?

6 ATTORNEY TOBIN:

7 Objection, speculation. He doesn't
8 know what the detainer meant.

9 ATTORNEY KEATING:

10 Well, how do we know?

11 BY ATTORNEY KEATING:

12 Q. What does a detainer mean?

13 A. That you're detained, you can't really go
14 anywhere.

15 Q. The feds could not release you, you had to
16 answer back to the state before they could release
17 you?

18 A. Well, it wasn't the --- the feds didn't
19 initially detain me. It was initially the state.
20 The charges were initially with the Philadelphia
21 Police.

22 Q. Okay. And when were you arrested by the
23 Philadelphia Police?

24 A. September 25th, 2001.

25 Q. And when you were arrested at that time, which

1 name did you tell them --- what was your name that
2 you gave them?

3 A. I don't remember giving them a name.

4 Q. So ultimately, they ---.

5 A. They fingerprinted me.

6 Q. They fingerprinted you. Is that how they came
7 up with your name or they came up with --- decided
8 who you were?

9 A. Well, I was wanted for absconding from the
10 halfway house and I was on parole under Kevin Jessup.
11 So when I was re-arrested, they put me back under
12 Kevin Jessup.

13 Q. And when you were arrested by the Philadelphia
14 Police, do you know who it was who notified the
15 Pennsylvania Board of Probation and Parole that they
16 had picked you up?

17 A. No.

18 Q. Do you know when they were notified?

19 A. No.

20 Q. And do you know approximately when it was that
21 it was decided the charges against you would be
22 federal charges and not state charges?

23 A. You said when did I realize that?

24 Q. When did you realize it or do you know when they
25 decided that, approximately?

1 A. In February 2002.

2 Q. And in February of 2002, where were you being
3 housed?

4 A. SCI Coal Township.

5 Q. When did you return to SCI Coal Township?

6 A. I believe in 2001, around November or December.

7 Q. So you were arrested end of September 2001, you
8 went back to SCI Coal Township in November or
9 December of 2001?

10 A. That's about right.

11 Q. Okay. And in February of 2002 is that when you
12 first were notified that the charges were federal or
13 is that your belief as to when they, meaning the
14 authorities, decided the charges would be federal and
15 not state?

16 A. Can you repeat the question again?

17 Q. Yeah. You indicated that in February of 2002,
18 you either learned the new charges were federal
19 charges or that the authorities decided they would be
20 federal and not state charges. Is that --- February
21 of 2002, is that when you learned that they were
22 going to be federal charges or is that when you
23 believe they decided it was going to be federal
24 charges?

25 A. Both.

1 Q. Both. Did someone come and tell you?

2 A. I got a letter from my attorney.

3 Q. Saying dear, Mr. Chappelle, I've received
4 information from the authorities indicating that
5 these offenses that you've been arrested for in
6 Philadelphia will be filed as federal charges and not
7 state charges, something to that effect?

8 A. I received an indictment.

9 Q. Okay. From the feds?

10 A. Yes.

11 Q. You didn't like that, did you?

12 A. No.

13 Q. No. Did you plead to the federal charges or did
14 you go to trial?

15 A. I went to trial.

16 Q. On the Philadelphia arrest for the drug
17 possession and the gun possession?

18 A. Yes.

19 Q. Did they --- strike that.

20 Were the only charges you were facing from that
21 arrest federal charges and not state? And here's
22 what I'm trying to find out about that. Did they
23 file state charges and federal charges, and drop the
24 state charges or did they just file the federal
25 charges?

1 A. To my belief, they filed state charges and they
2 were dropped, and the feds adopted the case.

3 Q. The feds picked it up and made it federal
4 charges. So it's not as if once you were done with
5 the federal charges, you had to go back and go
6 through the same charges through the state?

7 A. Correct.

8 Q. Okay. And when did you go to trial on the
9 federal charges, approximately?

10 A. It was around June, I believe, 2002.

11 Q. And were you found guilty of all charges?

12 A. Yes.

13 Q. And what was the initial sentence that you
14 received by the court?

15 A. 162 months.

16 Q. And when were you sentenced?

17 A. September 2002.

18 Q. And you were still in SCI Coal Township at the
19 time; is that a correct statement? If you recall in
20 September of 2002 when you were --- let's step back.
21 When were you convicted of the federal charges?

22 A. 2002.

23 Q. And when were you sentenced?

24 A. September of 2002.

25 Q. And how much time lapsed between when you were

1 found guilty and when you were sentenced,
2 approximately?

3 A. About two months.

4 Q. Did the feds also do a presentence investigation
5 report to the court?

6 A. Correct.

7 Q. And September of 2002 when you were sentenced,
8 you were still at SCI Coal Township; correct?

9 A. No.

10 Q. Okay. When did you leave SCI Coal Township?

11 A. I left Coal Township, I think, February 2002.

12 Yes, 2002.

13 Q. Okay. And where were you put? Where were you
14 housed?

15 A. FDC.

16 Q. FDC where?

17 A. Philadelphia.

18 Q. And that was pending your federal trial?

19 A. Correct.

20 Q. And you spent the whole time from February of
21 2002 at FDC Philadelphia --- to September of 2002 at
22 FDC Philadelphia; correct, ---

23 A. Correct.

24 Q. --- until the time of your sentencing? And
25 after you were sentenced, where did they send you to

1 do your federal time?

2 A. They sent me back to SCI Coal Township.

3 Q. So that was in September of 2002?

4 A. Correct.

5 Q. And how long were you in SCI Coal Township
6 before you were transferred out of SCI Coal Township
7 to start --- well, let's a stop right there. How
8 long were you in SCI Coal Township until they
9 transferred you out of SCI Coal Township?

10 A. I was in SCI Coal Township from 2002 to 2007.

11 Q. And where did you go in 2007?

12 A. I signed out of Coal Township.

13 Q. Did you ever spend any more time in the federal
14 penitentiary for your federal sentence?

15 A. No. After I signed out of Coal Township?

16 Q. After you were sentenced for your federal
17 charges?

18 A. No, they sent me back to SCI Coal Township.

19 Q. Were you ever in an FDC up in New York?

20 A. No.

21 ATTORNEY TOBIN:

22 You didn't serve federal time after
23 signing out of Coal Township?

24 A. After signing out of Coal Township, yeah, I did.

25 BY ATTORNEY KEATING:

1 Q. Okay. When did you sign out of Coal Township?

2 A. July 2007.

3 Q. So from September 2002 to July of 2007, you were
4 in Coal Township?

5 A. Correct.

6 Q. And that was after your conviction on the
7 federal charges?

8 A. Correct.

9 Q. And then July of 2007 when you left Coal
10 Township, where did go?

11 A. I went to Lycoming County ---

12 Q. Lycoming County Prison?

13 A. --- for holdover.

14 Q. And the holdover was just to hold you in that
15 facility until they can send you to the federal
16 facility?

17 A. Correct.

18 Q. And you may have gone to a couple different
19 holding facilities until you ultimately got to an FDC
20 to do time for your federal sentence; is that a
21 correct statement?

22 A. Correct.

23 Q. And where was that FDC at?

24 A. USP Canaan.

25 Q. And that's the one in New York?

1 A. Waymart.

2 Q. Waymart. How long were you in Waymart,
3 approximately?

4 A. About a year.

5 Q. And then where did go?

6 A. FCI Ray Brook, New York.

7 Q. And then where did go?

8 A. I signed out of Ray Brook and they took me back
9 into state custody.

10 Q. Who did?

11 A. Sheriffs.

12 Q. Whose sheriffs, state or federal?

13 A. State.

14 Q. Pennsylvania State?

15 A. Yes.

16 Q. When you were in Ray Brook, were you doing
17 federal time there?

18 A. Yes.

19 Q. If you know, are there inmates doing federal
20 time in state prisons based on some agreement between
21 the federal government and the state government?

22 A. I don't know.

23 Q. Okay. When you were in FCI Ray Brook, were you
24 serving state time or federal time?

25 A. Federal.

1 Q. And I'm sorry, when did you leave Ray Brook?

2 A. I believe April 14th or 15th, 2009.

3 Q. And where did go?

4 A. They transported me to county jail somewhere in
5 New York and then back to SCI Coal Township.

6 Q. And when did you go back to SCI Coal Township?

7 A. April 16th, 2009.

8 Q. Why were you being transported back to SCI Coal
9 Township?

10 A. They said I had a detainer.

11 Q. From who?

12 A. At that time, I don't know.

13 Q. Do you know now?

14 A. Yes.

15 Q. Who?

16 A. It was a state detainer.

17 Q. Probation and Parole?

18 A. I never --- I'm not sure.

19 Q. And was it your belief back in April 16th of
20 2009, that you had already done all of your state
time?

22 A. Yes.

23 Q. And who transported you back from Ray Brook,
24 were they state or federal marshals, do you know?

25 A. I don't know.

1 Q. And they told you when you were leaving Ray
2 Brook that they were taking you back to SCI Coal
3 Township; correct?

4 A. Correct.

5 Q. And did they tell you that you were going back
6 to Coal Township in order to do more state time?

7 A. No.

8 Q. When did you find out that you were going to do
9 state time at Coal Township in April of 2009?

10 A. About two to three weeks after I was back at
11 Coal Township.

12 Q. So two to three weeks after you get back from
13 Coal Township in April of 2009, you learn that you're
14 doing state time; correct?

15 ATTORNEY TOBIN:

16 Object to form.

17 ATTORNEY KEATING:

18 What's wrong with the form?

19 ATTORNEY TOBIN:

20 You said he learned, which implies that
21 he --- that that was a fact, he was told, he was
22 informed.

23 ATTORNEY KEATING:

24 Okay.

25 BY ATTORNEY KEATING:

1 Q. For two or three weeks after you got back from
2 Coal Township, after April 16 of 2009, someone told
3 you or you found out that someone's belief was that
4 you were doing state time?

5 A. Correct.

6 Q. Up to that point what type of time did you think
7 you were doing?

8 A. False time.

9 Q. Well, did you think you were doing federal
10 sentence time?

11 A. No.

12 Q. Did you think you were doing state time?

13 A. No.

14 Q. When you first got back to Coal Township, did
15 they assign you a counselor?

16 A. When I first got back?

17 Q. In April of 2009, did they assign you a
18 counselor?

19 A. Yes.

20 Q. How soon after you got back after April 16th of
21 2009, did they assign you a counselor?

22 A. About two weeks.

23 Q. Was it your counselor who told you you were
24 doing state time?

25 A. She didn't know at the time.

1 Q. All right. Who told you it was state time?

2 A. They told me to wait until I received a green
3 sheet.

4 Q. Who told you that?

5 A. My counselor.

6 Q. Who is your counselor?

7 A. Renee Foulds.

8 Q. And who is your unit manager?

9 A. Dunn.

10 Q. And you knew who your unit manager was pretty
11 much as soon as you got back because that's who was
12 on your block; right?

13 A. I mean, that was my first time meeting him.

14 Q. All right. Well, when you get back to Coal
15 Township, do they put you in administrative custody
16 in the RHU first before they let you out on general
17 pop?

18 A. Yes.

19 Q. And how long do they keep you in the RHU?

20 A. Well, they had me in POC. I was there for about
21 a week.

22 Q. Okay. And that's observational custody;
23 correct?

24 A. Correct.

25 Q. Do you know why they put you in POC?

1 A. No.

2 Q. And who was the head of POC at the time?

3 A. I do not know.

4 Q. When you were in POC, did you file any
5 grievances about being held improperly at Coal
6 Township?

7 A. Yes.

8 Q. And who did you file them with?

9 A. I can't really recall.

10 Q. And then at some point, two or three weeks
11 later, are you on general population? You're let out
12 of POC?

13 A. Correct.

14 Q. And your unit manager was Dunn?

15 A. Right.

16 Q. And you told Dunn that you were being held
17 improperly? Or did you?

18 A. Yes.

19 Q. Okay. Was that immediately when you get out and
20 got into general pop?

21 A. Correct.

22 Q. And what was his reaction or response to your
23 telling him that?

24 A. Nothing.

25 Q. He didn't say anything at all?

1 A. No.

2 Q. He turned and walked away?

3 A. Just send me a request slip.

4 Q. Sent you a request slip, okay. And did you send
5 him a request slip?

6 A. Yes.

7 Q. And that was a written request to Dunn saying
8 I'm being held past my max, help me out or some words
9 to that effect?

10 A. Correct.

11 Q. And what was --- did you ever get a written
12 response to that?

13 A. No.

14 Q. Did he ever say anything to you about your
15 written request?

16 A. No.

17 Q. Did you ever ask for a parole hearing?

18 A. No.

19 Q. And Renee Foulds, how did you contact Renee
20 Foulds about your situation? Did you send her a
21 written request also?

22 A. Yes, she was on the block.

23 Q. Okay. And what was her position? She was a
24 what?

25 A. Counselor.

1 Q. Counselor. When you say she was on the block,
2 did she actually walk the block or did she have an
3 office inside the unit or how did that work?

4 A. Office inside the unit.

5 Q. And prior to returning in April of 2009, had you
6 known Renee Foulds ---

7 A. Yes.

8 Q. --- from SCI Coal Township? Had she been your
9 counselor before?

10 A. No.

11 Q. But you knew her from being in Coal Township
12 before?

13 A. Yes.

14 Q. Okay. And did you approach Renee and speak to
15 her about it or did you send her a request slip? How
16 did you contact her concerning information?

17 A. Both.

18 Q. And did she ever give you a response or did she
19 just ignore you?

20 A. She responded.

21 Q. And what was her response?

22 A. She doesn't know why.

23 Q. That was her response, I don't know why you're
24 being held here?

25 A. Correct.

1 Q. Did she ever point you in the direction of where
2 you should focus on trying to get the answer or
3 anything?

4 A. Yes.

5 Q. What was that, what did she say?

6 A. Contact the parole.

7 Q. Did she ever give you a written response to your
8 recollection?

9 A. No.

10 Q. And excuse me, did Renee ever say anything to
11 you about contacting parole about your situation?

12 A. Yes.

13 Q. Was that in writing or verbally or both?

14 A. I believe it was verbal.

15 Q. And did you contact someone at the parole office
16 at SCI Coal Township?

17 A. I'd written request slips.

18 Q. To the parole office?

19 A. Yes.

20 Q. Okay. And did you ever get a written answer?

21 A. Yes.

22 Q. Is that with an individual by the name of Pijar?

23 A. Pijar (corrects pronunciation).

24 Q. P-I-J-A-R?

25 A. Correct.

1 Q. Did you write specifically to her or did you
2 just write to the parole office?

3 A. Specifically to her.

4 Q. Was she assigned to you?

5 A. Yes.

6 Q. When was she assigned to you?

7 A. I believe ---.

8 Q. After you got out of POC?

9 A. No.

10 Q. Before you went into POC?

11 A. She was assigned to me back in 2003.

12 Q. So when you came back in 2009, you still had the
13 same parole officer in the institution, Pijar?

14 A. I don't know if she was assigned to me or not,
15 but that's what --- that's who my previous parole
16 agent was before I was --- finished my sentence.

17 Q. Okay. And that's why you wrote to her because
18 you knew her from before?

19 A. Correct.

20 Q. Okay. When you knew her back in 2003, how did
21 you get along with her?

22 A. Okay.

23 Q. Did you have any problems getting ahold of her
24 or speaking to her about any parole problems?

25 A. Not at all.

1 Q. And when you wrote to her after you came back,
2 did she respond to your inquiry?

3 A. Yes.

4 Q. And did she do it in writing or did she talk to
5 you about it?

6 A. In writing.

7 Q. And what did she indicate?

8 A. She told me to address my issues with the Parole
9 Board.

10 Q. When you wrote to her, did you outline in that
11 writing why it was you believed you were past your
12 maximum date?

13 A. Yes.

14 Q. And you put down the dates of when you were
15 incarcerated for your federal sentence, your state
16 sentence, and your computation and your calculation;
17 is that a correct statement?

18 A. Correct.

19 Q. Did she address your calculation or computation
20 in her response to your written inquiry?

21 A. No.

22 ATTORNEY TOBIN:

23 And we're still talking about Pijar
24 here?

25 ATTORNEY KEATING:

1 That is correct.

2 BY ATTORNEY KEATING:

3 Q. She told you to take it up with the Parole
4 Board?

5 A. Correct.

6 Q. Did you ask to speak with her?

7 A. Yes.

8 Q. Set up an appointment, is what you asked for?

9 A. Yes.

10 Q. Was there any more information you could have
11 given her face-to-face during an appointment that you
12 did not give her in your written request?

13 A. Yes.

14 Q. What?

15 A. I had documents that I wanted to present to her.

16 Q. And did those documents reflect your calculation
17 and your position that you'd written down and
18 explained to her in your inquiry?

19 A. No, they were documents that were handed to me
20 from the institution that stated my admission date,
21 my parole date and my expiration date.

22 Q. So those documents substantiated those dates
23 concerning your admission, your parole date; correct?

24 A. Correct.

25 Q. In your written inquiry to her, did you tell her

1 what your admission date, your parole date and that
2 sort of --- did you write that down?

3 A. Correct.

4 Q. So these documents were just trying to prove
5 what you had already told her?

6 A. Exactly.

7 Q. Okay. And did you send her a copy of the
8 documents?

9 A. I'm not sure.

10 Q. So you wrote to her, she said take that up with
11 the Board of Probation and Parole, you asked for a
12 face-to-face meeting with her. And did she grant
13 that?

14 A. Ms. Foulds told me she didn't want to see me.

15 Q. Ms. Foulds told you that Ms. Pijar didn't want
16 to see you?

17 A. Correct.

18 Q. So did you write to Ms. Foulds and ask to see
19 Pijar or did you write to Ms. Pijar and ask to see
20 Ms. Foulds?

21 A. I was in the office with Ms. Foulds. She was on
22 the phone with Ms. Pijar. I was relaying to Ms.
23 Foulds, can I talk to her and show her these
24 documents. Ms. Foulds relayed the conversation to
25 Ms. Pijar, and told me she doesn't want to see me.

1 Q. Okay. So you were in the office with Ms. Foulds
2 and Ms. Foulds called Ms. Pijar about your situation
3 to see what Probation and Parole had to say about it,
4 and spoke with Ms. Pijar. To your knowledge, you
5 don't know --- did you hear her on the other side of
6 the phone, Pijar's voice?

7 A. No.

8 Q. But you just assumed it was her talking, Pijar?

9 A. Correct.

10 Q. Did you hear her call a certain number and say
11 is Ms. Pijar there or something? Were you actually
12 there when Foulds picked up the phone and called
13 Pijar?

14 A. Yes.

15 Q. Did you ask Foulds, hey, call Ms. Pijar and ask
16 her about it?

17 A. No, I asked Ms. Foulds can she send me over
18 there, I have some documents I want to show her. And
19 Ms. Foulds, I guess, she said she doesn't want to see
20 me.

21 Q. All right. So I just want to get this
22 chronology right and make sure. So you wrote to Ms.
23 Pijar. She said take it up with the Pennsylvania
24 Board of Probation and Parole. You were speaking
25 with Ms. Foulds, who is your counselor; right?

1 A. Correct.

2 Q. And you said, look, I have these documents I
3 want to show to Ms. Pijar, and Foulds made a phone
4 call and told you Ms. Pijar doesn't want to see you?

5 A. Correct.

6 Q. Okay. And you don't recall if you sent copies
7 of the documents to Ms. Pijar for review?

8 A. I'm not sure. I believe I did, I'm not sure.

9 Q. Okay. And you never had any problems with Ms.
10 Pijar like attitude wise or anything?

11 A. No.

12 Q. Had you met her in any way, in any form,
13 face-to-face after you returned to SCI Coal Township
14 in April of 2009? We're talking about Ms. Pijar.

15 A. No.

16 Q. Did you need to put in a request slip to meet
17 with Ms. Foulds to discuss her --- with her anything
18 that you wanted to discuss?

19 A. No.

20 Q. She was open, you could just knock on her door
21 or whatever?

22 A. Correct.

23 Q. As long as she wasn't busy, as long as you
24 didn't have an attitude and polite, then that was not
25 a problem?

1 A. Correct.

2 Q. Okay. And did you write to the Board of
3 Probation and Parole and ask them what was going on
4 with your maximum date?

5 A. Yes.

6 Q. And did they respond?

7 A. No.

8 Q. At all?

9 A. No.

10 Q. Did you ask them for a sentence recalculation,
11 if you recall?

12 A. I believe so.

13 Q. And did they ever respond to that?

14 A. No.

15 Q. I'm going to show you what is going to be marked
16 as Exhibit Number One?

17 (Exhibit P-1 marked for
18 identification.)

19 BY ATTORNEY KEATING:

20 Q. This is a Pennsylvania Board of Probation and
21 Parole form 39 as you can see in the top left hand
22 corner. As an inmate, would you ever get copies of
23 these documents?

24 A. No.

25 Q. Okay. And it says last modified date and time,

1 bottom right-hand corner, April 17th, 2009. It says
2 your new maximum date is September 6, 2014. Do you
3 see where it says that?

4 A. Yes.

5 Q. You don't agree with that, do you?

6 A. No.

7 Q. Were you ever told at any point in time that
8 your new maximum date was calculated to be September
9 6, 2014 by the Pennsylvania Board of Probation and
10 Parole?

11 A. Yes.

12 Q. You weren't very happy with that, were you?

13 A. No.

14 Q. Okay. But there is nothing you could do about
15 this piece of paper because you never saw it as an
16 inmate, did you?

17 A. No.

18 Q. When did you learn that the Pennsylvania Board
19 of Probation and Parole recalculated your maximum date
20 to be September 6, 2014?

21 ATTORNEY TOBIN:

22 Object to form.

23 ATTORNEY KEATING:

24 What was wrong with it?

25 ATTORNEY TOBIN:

1 It assumes that the Pennsylvania Board
2 of Probation and Parole did calculate the new max
3 date.

4 ATTORNEY KEATING:

5 Okay.

6 BY ATTORNEY KEATING:

7 Q. When did you learn that Pennsylvania Probation
8 and Parole, if you did learn the Pennsylvania
9 Probation and Parole, decided that your new maximum
10 date was September 6, 2014?

11 A. About a month and a half after I was returned.

12 Q. This says --- dated April 17, 2009. It's in the
13 very bottom right-hand corner. Would it be around
14 that time?

15 A. No.

16 Q. Does that sound right? Would it be May, June?

17 A. I think around May.

18 Q. Okay. So probably around May of 2009, you heard
19 that your new max date was 2014; correct?

20 A. It may have been before May or around May, I'm
21 not sure. But it wasn't --- I don't think --- it
22 definitely wasn't on the 17th.

23 Q. And who told you that or how did you learn that?

24 A. I received the green sheet in the mail.

25 Q. And the green sheet you received in the mail was

1 from the Pennsylvania Board of Probation and Parole;
2 correct?

3 A. Correct.

4 Q. And they send inmates a green sheet whenever
5 they recompute their sentence; correct?

6 A. Correct.

7 Q. And that tells them what their recomputed
8 sentence is; correct?

9 A. Correct.

10 ATTORNEY TOBIN:

11 Objection as to form.

12 ATTORNEY KEATING:

13 Okay. What ---?

14 ATTORNEY TOBIN:

15 You're asking him to testify about what
16 the Probation and Parole Board's practices are.

17 ATTORNEY KEATING:

18 No, I'm asking what the green sheet he
19 received from the Probation and Parole say on them,
20 and he knows what they say.

21 ATTORNEY TOBIN:

22 You asked him whether the Pennsylvania
23 Probation and Parole Board send inmates these
24 documents in order to do this. My objection is that
25 he knows what happened to him. He doesn't know

1 necessarily ---.

2 ATTORNEY KEATING:

3 Okay. Let's ask him what happened to
4 him.

5 BY ATTORNEY KEATING:

6 Q. You got green sheets on a periodic basis from
7 the Pennsylvania Board of Probation and Parole;
8 correct?

9 A. Correct.

10 Q. And did those green sheets tell you when your
11 new parole eligibility date was?

12 A. Just the specific one.

13 Q. I'm just saying generally when you got green
14 sheet from the Pennsylvania Probation and Parole, did
15 it have information on there as to when your new
16 minimum parole was going to be?

17 A. Some of them do.

18 Q. Okay. And do some of them say when your new
19 maximum is going to be?

20 A. Some have.

21 Q. And did you receive a green sheet from the
22 Pennsylvania Board of Probation and Parole in 2009,
23 April or May, or around that time period, that said
24 that your new maximum parole --- maximum date was
25 2014?

1 A. Correct.

2 Q. Okay. And you definitely didn't agree with
3 that, did you?

4 A. Correct.

5 Q. Did you get any other green sheet after April or
6 May of 2009 from the Pennsylvania Board of Probation
7 and Parole which indicated that your maximum date was
8 something other than 2014?

9 A. No.

10 Q. That's the last green sheet that you got from
11 them?

12 A. Yes.

13 ATTORNEY KEATING:

14 I would like this be marked as Exhibit
15 Number Two, please.

16 (Exhibit P-2 marked for
17 identification.)

18 BY ATTORNEY KEATING:

19 Q. Do you recognize this document, Mr. Chappelle?

20 A. Yes.

21 Q. That is handwritten by you?

22 A. Yes.

23 Q. It's dated May 23rd, 2009?

24 A. Correct.

25 Q. And correct me if I'm wrong, it says the

1 Department of Corrections has the authority to credit
2 an inmate the correct time spent in custody to the
3 new sentence and/or the original sentence. Is that a
4 correct statement? It's about halfway down.

5 A. Correct.

6 Q. You knew that the Pennsylvania Board of
7 Probation and Parole on May 23rd, 2009 had calculated
8 your maximum sentence to a sentence which you did not
9 agree with; is that a correct statement?

10 A. Correct.

11 Q. And you wanted the Department of Corrections to
12 change that; correct?

13 A. Correct.

14 Q. You wanted Mr. Varano to change that?

15 A. If possible.

16 Q. You wanted Michelle Kodack to change that?

17 A. If possible.

18 Q. Possible or if ---

19 A. Yes.

20 Q. --- possible?

21 A. Yes.

22 Q. What about Deb Herbst?

23 A. Yes.

24 Q. You wanted her to change that?

25 A. Yes.

1 Q. All right. What about Mr. Dunn, you wanted him
2 to change it?

3 A. Yes.

4 Q. Did you want Ms. Foulds to change that?

5 A. Yes.

6 Q. Other than just changing what your maximum date
7 was, as you believed it was, what else do you think
8 they could or should have done to help you out?

9 We'll start with Mr. Varano. Other than changing
10 your maximum date to what you believe it was, is
11 there anything else you believe Mr. Varano should
12 have done to help you out?

13 A. Yes.

14 Q. What?

15 A. Talk with me.

16 Q. Talk with you?

17 A. Yes.

18 Q. Okay. And what would you have told him that you
19 hadn't already told him in writing that you had sent
20 to him?

21 A. I had documents. I had papers, legal papers
22 from the courts and I had status summary sheets from
23 the institution.

24 Q. And those documents reflected that what you
25 believe your calculation was correct, didn't they?

1 A. They reflected what the jail stated they were
2 correct.

3 Q. And those documents reflected that what you had
4 written to him was true and correct; correct?

5 A. Correct.

6 Q. And when you sent him a copy of those documents
7 and said, Mr. Varano, look at these documents, what
8 was his response?

9 ATTORNEY TOBIN:

10 We're on Varano, not Dunn?

11 ATTORNEY KEATING:

12 Yes, we're on Varano.

13 ATTORNEY TOBIN:

14 Okay.

15 A. I'm not sure if I sent him copies of them. I
16 asked him --- I mean, I sent him a request slip and I
17 put the dates and everything on the request slip and
18 asked to speak to ---

19 BY ATTORNEY KEATING:

20 Q. To him?

21 A. --- each and every person.

22 Q. Well, let's start with Mr. Varano. Let's just
23 talk about Mr. Varano. Okay. Did you ask in your
24 request slip to talk to Mr. Varano?

25 A. Yes.

1 Q. And the reason why you did that was because if
2 you were able to talk to him, you'd be able to show
3 him these documents that you had that supported what
4 you put down in writing?

5 A. Correct.

6 Q. And he didn't talk to you; correct? He did not
7 have a one-to-one discussion with you concerning your
8 concerns; is that correct?

9 A. We had one face-to-face at Mainline. I spoke
10 with him and he said send me the request slip.

11 Q. And you sent him the request slip?

12 A. Yes.

13 Q. And in that request slip is when you --- he
14 didn't just ignore you in Mainline, he spoke to you?

15 A. Yes.

16 Q. All right. And at Mainline, you were trying to
17 tell him what your problem was?

18 A. Correct.

19 Q. And he said send me a request slip, I'll look at
20 it?

21 A. Correct.

22 Q. And in that request slip you put down what your
23 problem was and how you came up with your
24 calculations of your max date; correct?

25 A. Correct.

1 Q. You wrote it out; right?

2 A. Yes.

3 Q. And I believe you stated that if you had seen
4 him face-to-face, you would be able to give him
5 documents which would have supported what you had
6 written?

7 A. Correct.

8 Q. Okay. But he did not grant you an interview, so
9 you did not give him those documents that supported
10 your written calculations in your grievance?

11 ATTORNEY TOBIN:

12 I think he testified that he wasn't
13 sure if he attached.

14 ATTORNEY KEATING:

15 Are you ---?

16 ATTORNEY TOBIN:

17 I'm sorry.

18 ATTORNEY KEATING:

19 Well, I don't believe he said he
20 attached it, but I believe he said ---

21 BY ATTORNEY KEATING:

22 Q. --- and correct me if I'm wrong, that after you
23 had written the request for grievance that you asked
24 for an interview and the purpose of that was to show
25 him these documents which would support what you had

1 written; correct?

2 A. Correct.

3 Q. Did you ever send him a copy of the documents?

4 A. I'm not sure.

5 Q. Okay. But even if you had, they still would
6 have substantiated or proven what you'd written down
7 as your calculations; right?

8 A. Yes.

9 Q. Okay. And his response was talk to Michelle
10 Kodack or something in that respect. What was his
11 response?

12 A. He responded twice. One was the issues can be
13 addressed through the record's office or the parole
14 office in the institution.

15 Q. Okay.

16 A. His second response was, obviously, we wouldn't
17 be keeping you past your max date.

18 Q. Yes. We don't want to keep you past your max
19 date, or obviously, we wouldn't be keeping you past
20 your max date; right? Correct?

21 A. That's what he said.

22 Q. He actually handwrote that in part of his
23 response; right?

24 A. Correct.

25 Q. So he didn't just ignore your written grievances

1 or requests, he actually wrote back to you and said
2 either Michelle Kodack in records can take care of
3 this or parole can; correct?

4 A. I asked him a question, I said I'm over my max
5 date, and I should be released. And he said
6 obviously you're not over your max date, because we
7 wouldn't be keeping you past that.

8 Q. And you wrote a request similar to that to
9 Michelle Kodack and told her about your problem, too?

10 A. Correct.

11 Q. And she told you it was something that parole
12 would have to take care of; right?

13 A. Correct.

14 Q. And you told her parole is not taking care of
15 it; right?

16 A. Correct.

17 Q. And other than just changing your max date to
18 the max date, which you thought it was supposed to
19 be, what else should have Michelle Kodack done to
20 help you?

21 A. Well, she's in charge of records, like records.

22 Q. Is there anything else other than actually
23 sitting down and changing the max date as to what
24 Probation and Parole had down for you to the max date
25 which you believe it was? Anything else other than

1 that, what should Michelle Kodack have done if
2 anything?

3 A. Can you repeat that again?

4 Q. I believe you testified before that one of the
5 things you thought that Michelle Kodak should have
6 done as a records keeper was she should have changed
7 the max date by Probation and Parole that was in
8 error and changed to the max date that you calculated
9 it to be; correct?

10 A. No.

11 Q. Okay. What did you want Michelle Kodack to do
12 to help you out?

13 A. Investigate, look at it, like if she's in charge
14 of records, she has my record in front of her and my
15 record has my admittance date, my parole date and my
16 max date. And I've been in the institution for 12
17 years. My sentence was six to 12.

18 Q. And she also had a max date given to her by
19 Probation and Parole; correct?

20 A. I believe --- I don't know, I believe so.

21 Q. Okay. Did she inform you that she --- her
22 records show that Probation and Parole showed that
23 you didn't hit your max date yet?

24 A. Yes.

25 Q. And you believe that if that were true, that

1 Probation and Parole was wrong?

2 A. Because I did the time.

3 Q. So you believe that if that were true, that
4 Probation and Parole had a max date say 2014, that
5 was wrong, that Probation and Parole was wrong?

6 A. That's over 12 years.

7 Q. You believe that if Probation and Parole had a
8 max date of 2014, that that was a wrong date, didn't
9 you? Did you believe that?

10 A. Yes.

11 Q. Okay. So Probation and Parole had told Michelle
12 Kodack, in her records, that your max date was 2014
13 and you believe that that date --- and you believe
14 that Probation and Parole were wrong; right?

15 A. They were.

16 Q. Okay. And assuming for the sake of discussion
17 that Michelle Kodack looked at your calculations and
18 agreed with your calculations and thought Probation
19 and Parole was wrong also, what did you want her to
20 do about it?

21 A. Well, I was not getting a response from
22 Probation and Parole. And if she was in contact with
23 Probation and Parole and she seen my documents and
24 had a discussion with me, she would have seen, all
25 right, the records reflect that my sentence was six

1 to 12. I was incarcerated in '95. I served over six
2 years my first time before I got paroled because I
3 had to wait for a CCC bed date. I returned --- that
4 was in 2001. I came right back to Coal Township in
5 2001, and I've been there since 2007. And the
6 records have that I was in the institution and
7 nowhere else. And that's what I wanted to show her.
8 Like I had commissary sheets, request slips,
9 certificates, programs I accomplished with the date
10 on them. So I was in the institution. I'm like I
11 didn't go anywhere. I served the whole sentence.
12 I'm complete. Like what they have is a
13 miscalculation. Can you look at it and notify them,
14 and let them see that it's problem?

15 Q. Okay. So you wanted her to notify Probation and
16 Parole and tell Probation and Parole that they were
17 wrong and you were right; correct?

18 A. Correct.

19 Q. Okay. But you had already notified Probation
20 and Parole and told them that they were wrong;
21 correct?

22 A. Correct.

23 Q. So the same information you gave to Probation
24 and Parole, you wanted Michelle Kodack to give to
25 Probation and Parole; correct?

1 A. Not the same but similar. I didn't get any
2 responses from Probation and Parole. It was like
3 they were just mute. Like I was sending them
4 numerous paperwork and like I would get no response,
5 anything.

6 Q. So you asked them to recalculate your maximum
7 date because you thought they were wrong, Probation
8 and Parole; right?

9 A. Correct.

10 Q. And you got no response?

11 A. Correct.

12 Q. So you wanted Michelle Kodack to call up and see
13 if she could get them to change their mind and
14 correct this?

15 A. Obviously, if I'm being held in the institution.

16 Q. So that's what you wanted her to do?

17 A. Correct.

18 Q. Would the same be said about Deborah Herbst,
19 what did you want her to do to help out your
20 situation?

21 A. Pretty much the same thing.

22 Q. Mr. Dunn, same thing?

23 A. Yes, I didn't even have a conversation --- like
24 I couldn't even --- I had one conversation with Dunn.
25 The first conversation was I'm here, my sentence is

1 done, I shouldn't be here. And he said send a
2 request slip. I sent him request slips. And then
3 the last conversation I had with Dunn was July 30th
4 or 31st, I believe, when he came to my cell and told
5 me I had to get out of jail immediately.

6 Q. Did you argue with him?

7 A. No.

8 Q. I don't want to make light of this, sir. I
9 really don't. And I apologize. And I don't know if
10 you recall or not, now I want to focus --- you were
11 released on July 31st; is that a correct statement?

12 A. Correct.

13 Q. You celebrate that more than your birthday,
14 don't you? Almost?

15 A. Just about.

16 Q. Okay. I want to focus in on the time period
17 between July 14th and July 31st when you got out.
18 Okay? Do you recall if during that time, you wrote
19 requests slips to any of the named Defendants in this
20 case, Varano, Kodack, Herbst or Dunn concerning your
21 situation?

22 A. You say prior to?

23 Q. Between July 14th and July 31st, when you were
24 released, if you know, if you recall?

25 A. I don't remember.

1 Q. Okay. Foulds may not have ---.

2 ATTORNEY KEATING:

3 Who was the one who retired?

4 ATTORNEY TOBIN:

5 Herbst.

6 ATTORNEY KEATING:

7 Herbst may not have been there. She
8 may have retired.

9 BY ATTORNEY KEATING:

10 Q. What about Foulds, do you recall one way or the
11 other within the week or two before you were released
12 that you sent any request slips or grievances
13 concerning your situation to any of them?

14 A. I'm not sure.

15 Q. Now, prior to coming here today, did you review
16 any documents?

17 A. No.

18 Q. Do you recall the Complaint in this case, that
19 you filed a Complaint through your esteemed Counsel?

20 (Exhibit P-3 marked for
21 identification.)

22 BY ATTORNEY KEATING:

23 Q. This was a Complaint that was filed by your
24 Counsel on your behalf. There's a lot of legal stuff
25 in here that I don't expect you to know, but there is

1 a bunch of factual things in here that I want to talk
2 to you a little bit about. Do you recall reading
3 this at any time?

4 A. Yes.

5 Q. Okay. I want to point your attention to
6 paragraph 20. And it says while in federal custody
7 Mr. Chappelle sought help from the Defendants in
8 getting his detainer lifted so that he could
9 participate in required programs and be eligible for
10 supervised release on or about February 11, 2009.

11 Did I read that correctly?

12 A. Correct.

13 Q. What Defendants did you seek help from in
14 getting the detainer lifted so you could participate
15 in required programs and be eligible for supervised
16 release on or about February 11, 2009? Which
17 Defendants, all of them, or do you know?

18 A. I'm not sure.

19 Q. Okay. Do you know if you sought help from David
20 Varano in getting the detainer lifted so you could
21 participate in required programs and be eligible for
22 supervised release on or about February 11, 2009?

23 A. I don't think so.

24 Q. What about Kodack?

25 A. I'm not sure.

1 Q. What about Herbst?

2 A. I'm not sure.

3 Q. What about Dunn?

4 A. No.

5 Q. What about Foulds?

6 A. No.

7 Q. Were you ever made aware of who filed that
8 detainer?

9 A. At the time, no.

10 Q. Okay. But were you ever aware from then until
11 today, who filed that detainer?

12 A. Yes.

13 Q. Who was it?

14 A. The Parole Board.

15 Q. In paragraph 23, it says on April 14, 2009, Mr.
16 Chappelle was released from federal custody and taken
17 back to SCI Coal Township where he was
18 re-incarcerated despite having already served his
19 12-year maximum state sentence. Do you see that?

20 A. Right.

21 Q. When you were being taken back into federal
22 custody, were you complaining to the feds that you
23 should not be returned to SCI Coal Township because
24 you'd done ---?

25 A. Yes, I did.

1 Q. And what did they say?

2 A. Actually on the day when the transporting agency
3 came to get me, I was reluctant to go and they
4 basically like just ---.

5 Q. You don't have a choice?

6 A. Right.

7 Q. You get in, you don't have a choice?

8 A. Right.

9 Q. You said you should be releasing me so I can
10 report to my federal parole officer and they were
11 like we don't have a choice, we got whatever orders,
12 you got to go?

13 A. Correct.

14 Q. And when you went back to SCI Coal Township, the
15 feds had a detainer on you for once you got released
16 in order for you to start your federal parole;
17 correct?

18 A. Repeat that again.

19 Q. When you were sent back to SCI Coal Township,
20 the feds put a detainer on you so that once you were
21 released from SCI Coal Township, you would start
22 doing your federal parole; is that a correct
23 statement?

24 A. Correct.

25 ATTORNEY KEATING:

1 Let's mark this as Exhibit --- we're
2 almost done. Four, okay.

3 (Exhibit P-4 marked for
4 identification.)

5 BY ATTORNEY KEATING:

6 Q. This is a letter of April 2009 from the U.S.
7 District Court, Eastern District of Pennsylvania,
8 Probation Officer --- Office in the Federal Office
9 Building to SCI Coal Township. Have you ever seen
10 this paper before? And look at it because --- look
11 at page two. It seems to be apparent that you have,
12 but ---.

13 A. Right.

14 Q. Okay. And that's your signature on page two?

15 A. Correct.

16 Q. And it says in the second paragraph, we confirm
17 that Mr. Jessup is presently incarcerated at your
18 facility with no set release date. The purpose of
19 this letter is to request that our office be notified
20 when Mr. Jessup is scheduled to be released from
21 custody. At that time, he will commence his
22 four-year supervised release term. Did I read that
23 correctly?

24 A. Right.

25 Q. Therefore, Mr. Jessup will be required to report

1 to the U.S. Probation Office. So at that time, would
2 it be fair to say that once you were released from
3 SCI Coal Township, you still had to do four years
4 worth of parole with the federal parole?

5 A. Correct.

6 Q. And when you were released in July --- what day
7 was that, the 31st?

8 A. Correct.

9 Q. July 31st, you did, within 72 hours, report to
10 the federal parole office; correct?

11 A. I believe so.

12 Q. Okay. It might have been 74 or 71 or something
13 like that. And if you didn't, I don't care, you're
14 about ready to get off; right?

15 A. Right.

16 Q. Are you even afraid to leave the house? Are you
17 just going to sit around the house and not go
18 anywhere until Mr. Reid signs the papers?

19 A. No, I'm all right.

20 Q. You're all right, okay. What are you doing job
21 wise? Have you got anything in the hop?

22 A. Searching.

23 Q. Searching. What did you do at L.A. Fitness?

24 A. Sales counselor for about --- a couple of
25 months, then I became a personal trainer.

1 Q. Okay. Do you recall when you were picked up
2 from Ray Brook and sent to SCI Coal Township? Would
3 it have been April 14th, 2009?

4 A. That's about right.

5 Q. Okay.

6 ATTORNEY KEATING:

7 I don't know if you want to make this
8 an exhibit or not. I mean, if you agree with that,
9 that's fine, we don't have to make it an exhibit.

10 BY ATTORNEY KEATING:

11 Q. But is that --- does that look about right,
12 April 14th is when they took you from Ray Brook?

13 A. Yes.

14 Q. Okay.

15 OFF RECORD DISCUSSION

16 ATTORNEY KEATING:

17 I want this to be marked as an exhibit
18 also. I don't believe I have copies of that.

19 (Exhibit P-5 marked for
20 identification.)

21 SHORT BREAK TAKEN

22 BY ATTORNEY KEATING:

23 Q. This is an inmate request and it was from you to
24 Mr. Varano and it's dated April 17th, 2009; correct?

25 A. Correct.

1 Q. And this is the one where he wrote back and
2 said, obviously, we would not be keeping you past
3 your max date; correct?

4 A. Correct.

5 Q. And that was --- he signed it April 22nd, 2009;
6 correct?

7 A. Right.

8 ATTORNEY KEATING:

9 And then we'll mark this one.
10 (Exhibit P-6 marked for
11 identification.)

12 BY ATTORNEY KEATING:

13 Q. This is a response to your concerns which was
14 sent to you by Michelle Kodack, and it says at the
15 top right, a grievance date of May 5th, 2009;
16 correct?

17 A. Correct.

18 Q. And at the bottom right-hand date it says May
19 21st, 2009; correct?

20 A. Correct.

21 Q. And it says a parole violation at that time is
22 calculated by the Parole Board and provided by them
23 to the records department for recording on your
24 sentence status summary; correct?

25 A. Correct.

1 Q. And it says any questions or problems with your
2 parole violation backtime calculation need to be
3 addressed to the Parole Board. Is this after you
4 spoke to Ms. Pijar or before, do you recall?

5 A. I never spoke to Ms. Pijar.

6 Q. Is this after or before you had written a
7 request to Ms. Pijar, do you recall? If you recall,
8 this is a long time ago?

9 A. I'm not sure.

10 Q. Okay. That's fine.

11 ATTORNEY KEATING:

12 I don't have any further questions. Do
13 you have any?

14 ATTORNEY TOBIN:

15 I do have some follow-ups.

16 ATTORNEY KEATING:

17 Okay.

18 EXAMINATION

19 BY ATTORNEY TOBIN:

20 Q. At the beginning of the deposition you testified
21 --- I believe the question was, when did you start
22 using the name Kevin Jessup? How many times did you
23 use the name Kevin Jessup?

24 A. Once.

25 Q. And was that in 1995?

1 A. Yes.

2 Q. While you were being --- going through your
3 sentencing proceedings in federal court --- and you
4 testified you were at FDC Philadelphia from about
5 February 2002 to September 2002; is that right?

6 A. Correct.

7 Q. Were you considered serving federal time then or
8 serving state time while you were at FDC?

9 A. I was on writ, so I was still serving my state
10 time.

11 Q. And what does writ mean?

12 A. Temporary transfer.

13 Q. And does that mean that even though you weren't
14 physically at Coal Township, you were still serving
15 your state sentence?

16 A. Correct.

17 Q. You testified earlier that you sent Unit Manager
18 Dunn a request slip and that you didn't get a written
19 response from him. Did you send him more than one or
20 just one?

21 A. More than one.

22 Q. Do you know how many?

23 A. I know it was more than one. Probably about
24 four, five.

25 Q. Did you get written responses to any of those?

1 A. No.

2 Q. Did you get verbal responses to any of those?

3 A. No.

4 Q. When you came back to Coal Township in April of
5 2009, and you got in touch with Ms. Pijar, is the
6 reason you got in touch with Ms. Pijar that you
7 specifically wanted to get in touch with her or ---?

8 ATTORNEY KEATING:

9 I'm going to object. Could you be a
10 little bit more leading?

11 BY ATTORNEY TOBIN:

12 Q. Why did you get in touch with Pijar in
13 particular?

14 A. Because I knew she was my parole agent and she
15 had my record.

16 Q. Okay. When you were talking with Ms. Foulds in
17 her office, did you ask her to do anything specific
18 for you?

19 A. Yes.

20 Q. What'd you ask her to do?

21 A. I asked her could she --- a couple of things. I
22 asked her could she contact the Parole Board for me
23 since they wasn't responding, and I asked her could
24 she personally look and calculate my time since she
25 has it in front of her.

1 Q. What do you mean since she has it in front of
2 her?

3 A. She asked me when I was back --- when I was
4 there, she asked me, did I need to take a
5 prescriptive program that I've taken before. I think
6 it was decision making, stress and anger class that I
7 completed before I was discharged from there in 2007.
8 When I came back in 2009, she said, well, you're
9 back, you got to take decision making, stress and
10 anger. Like I completed those back in 2007. I said
11 they should be on file. And she went on the computer
12 and she said they are, you did complete them. And I
13 said, so why do I need to take them again. I'm
14 telling you like it's a mistake. Like you just asked
15 me to take a program, an eight-month program that I
16 completed two years ago, you know, what I'm saying..
17 Do you see the problem? And she didn't have an
18 answer for me. She was like --- she said, I don't
19 know what's the problem. I said you contact somebody
20 and let them know what's the problem.

21 Q. And what was her response to that request?

22 A. There's nothing she can do.

23 Q. That was her response?

24 A. Yes.

25 Q. You had testified that you got green sheets that

1 had the new max date on it from parole. Did you get
2 any other documents related to your max date?

3 ATTORNEY KEATING:

4 From parole?

5 ATTORNEY TOBIN:

6 From anyone?

7 ATTORNEY KEATING:

8 At what time?

9 BY ATTORNEY TOBIN:

10 Q. When you were back, back at Coal Township in
11 April of 2009, after April of 2009?

12 A. I'm not sure. I don't think so.

13 Q. Did you get a new sentence status sheet?

14 A. Yes, I did.

15 Q. Did that come from parole?

16 A. No, it came from the institution.

17 Q. And do you remember anyone discussing it with
18 you?

19 A. No.

20 Q. And do you remember how you got that?

21 A. I got it in the mail. Yes, I definitely got it
22 in the mail.

23 Q. Did you think it was ---?

24 ATTORNEY KEATING:

25 Objection.

1 ATTORNEY TOBIN:

2 What's the objection?

3 ATTORNEY KEATING:

4 Did you think --- you're leading him
5 right in to this. Why don't you just tell him what
6 the answer is? I don't mind softballs, Counselor,
7 but once in awhile let's give it ---.

8 ATTORNEY TOBIN:

9 Hold on, I have another question.

10 BY ATTORNEY TOBIN:

11 Q. Did you ask Varano to do anything specifically
12 for you?

13 A. In the request slips, yes. Yeah.

14 Q. Do you know if Varano talked with the records
15 department?

16 A. I don't know.

17 Q. Did Varano ever send anything besides the
18 request slip responses to you in writing?

19 A. No.

20 Q. In addition to filing --- did you file a
21 grievance about this issue?

22 A. Yes.

23 Q. And you filed request slips?

24 A. Yes.

25 Q. Did you do anything else to try to get your

1 problem solved?

2 A. Yes.

3 Q. What did you do?

4 A. I approached several staff, I filed a mandamus,
5 I contacted my attorney, family, asked them to make
6 phone calls for me.

7 Q. And when you were released in July 31st, 2009,
8 do you know what caused you to be released?

9 A. I believe my mandamus I filed.

10 Q. What impact did the four months from April 15 or
11 16, 2009 to when you were released in July of 2009
12 have on you?

13 A. A big impact.

14 ATTORNEY KEATING:

15 What?

16 A. I big impact..

17 BY ATTORNEY TOBIN:

18 Q. What impact did it have?

19 A. Stress, depression, frustration, sleeplessness,
20 break-ups.

21 ATTORNEY KEATING:

22 What did you say?

23 A. Break-ups.

24 ATTORNEY KEATING:

25 Okay.

1 A. Relationship. My grandmother passed away during
2 that time I was incarcerated, I wasn't able to
3 attend. Just certain little things, my daughter's
4 16th birthday, like a lot of little issues that I was
5 looking forward to.

6 BY ATTORNEY TOBIN:

7 Q. And on Exhibit P-6, if you'll read --- just read
8 Kodack's response to your grievance. After you got
9 this response, did Ms. Kodack come and talk to you
10 about your issue?

11 A. No.

12 Q. Did you ever meet with her in person?

13 A. No.

14 Q. Did you ask her to meet with her in person?

15 A. Yes.

16 Q. Did you ever meet with Herbst in person?

17 A. No.

18 ATTORNEY TOBIN:

19 I have no further questions.

20 RE-EXAMINATION

21 BY ATTORNEY KEATING:

22 Q. Has anyone ever compensated you or given you
23 anything in return for your claim that you were spent
24 past your maximum date incarcerated?

25 ATTORNEY TOBIN:

1 I need to consult with him about that.

2 ATTORNEY KEATING:

3 No, you don't need to consult with him
4 about that. He understands the question.

5 ATTORNEY TOBIN:

6 You can answer.

7 A. Can you say the question again?

8 BY ATTORNEY KEATING:

9 Q. Has anyone given you any compensation or paid
10 you anything to compensate you for the time that you
11 claim you spent past your maximum date incarcerated?

12 A. Yes.

13 Q. Who? Who, and what compensation?

14 ATTORNEY TOBIN:

15 He can answer the first question. The
16 second question is governed by a confidentiality
17 agreement.

18 ATTORNEY KEATING:

19 We'll see what the answer to the first
20 one is.

21 A. What was the question?

22 BY ATTORNEY KEATING:

23 Q. The question is, who was it that compensated you
24 for spending time past what you believe was your max
25 date?

1 A. Who?

2 Q. Yes, who.

3 A. The Pennsylvania Parole Board.

4 Q. So they paid you some money because of a mistake
5 they made? Okay. Let me rephrase that. Did they
6 pay you money because of a mistake they made?

7 ATTORNEY TOBIN:

8 Object to form.

9 ATTORNEY KEATING:

10 Okay.

11 ATTORNEY TOBIN:

12 We don't know the reason they paid him
13 the money.

14 BY ATTORNEY KEATING:

15 Q. So they paid you money --- they didn't pay you
16 money because they owed it to you for your inmate
17 account, did they?

18 A. No.

19 Q. They paid you because you told them you were
20 held past your max date and they paid you to
21 compensate you for that?

22 ATTORNEY TOBIN:

23 Object, and direct him not to answer.

24 ATTORNEY KEATING:

25 Why is that?

1 ATTORNEY TOBIN:

2 The agreement is covered by a
3 confidentiality clause, and we can't do it. I'm
4 going to direct him not to answer unless I get an
5 order from the Court.

6 ATTORNEY KEATING:

7 Okay. Well, under the Freedom of
8 Information Act, I have the right to know if any
9 administrative agency pays, so we can find that out.

10 BY ATTORNEY KEATING:

11 Q. But you were paid by Probation and Parole;
12 correct, for the mistake they made?

13 A. Yes.

14 Q. And were you aware of the fact that Probation
15 and Parole recalculated your maximum sentence to July
16 14th, 2009?

17 A. No.

18 Q. You never heard of that at all?

19 A. No.

20 Q. And you don't know how they came up with that
21 date?

22 A. Nope.

23 Q. Now, you said you had certain stress factors and
24 stuff from spending time in prison from April 2009 to
25 July 2009; correct?

1 A. Correct.

2 Q. Certain family members passed away?

3 A. Yes.

4 Q. And you had problems keeping your family
5 together and stuff during that time?

6 A. Yes.

7 Q. You also had those same problems prior to that
8 date when you were incarcerated both in federal and
9 state prison, didn't you?

10 A. No, not --- I mean, it's --- can you say the
11 question again?

12 Q. Prior to April 2009, you spent a substantial
13 amount of time in prison; correct?

14 A. Right.

15 Q. Both federal and state; correct?

16 A. Right.

17 Q. Years?

18 A. Yes.

19 Q. And during those years, you also had problems
20 with family and problems with people passing away and
21 not going to funerals, you were severely restricted,
22 weren't you?

23 A. No.

24 Q. You weren't severely restricted when you were
25 doing state time?

1 A. No one passed away.

2 Q. Your grandmother is the only one that passed
3 away between April and June of 2009? During your
4 whole time you were in prison prior to 2009, ---

5 A. No.

6 Q. --- you didn't have any family that passed away?

7 A. Yes, I did.

8 Q. And were you allowed to go to their funerals?

9 A. No.

10 Q. And did you ask to be released from prison to
11 attend your grandmother's funeral?

12 A. Yes.

13 Q. And did you put in a written request?

14 A. I believe it was verbal, was in --- this was in
15 --- it was verbal with my counselor. She said I
16 could.

17 Q. You were in FDC at the time?

18 A. Yes.

19 Q. You said something about you were considered
20 serving your state time --- you were asked --- strike
21 that.

22 Your attorney asked you about whether you were
23 considered serving your state time or your federal
24 time when you were incarcerated and you said you
25 were on a writ. Do you remember saying that?

1 A. Yes.

2 Q. Where were you at the time, what institution?

3 A. FDC Philadelphia.

4 Q. And it's your position even though you were in a
5 federal prison, it's your understanding you were
6 serving state time?

7 A. Correct.

8 ATTORNEY KEATING.

9 No further questions.

10 ATTORNEY TOBIN:

11 I have nothing further.

12 * * * * *

13 DEPOSITION CONCLUDED AT 12:00 P.M.

14 * * * * *

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25

1 COMMONWEALTH OF PENNSYLVANIA)

2

3 CERTIFICATE

4 I, Nicole Montagano, a Notary Public in and for
5 the Commonwealth of Pennsylvania, do hereby certify:

6 That the witness whose testimony appears in the
7 foregoing deposition, was duly sworn by me on said
8 date and that the transcribed deposition of said
9 witness is a true record of the testimony given by
10 said witness;

11 That the proceeding is herein recorded fully and
12 accurately;

13 That I am neither attorney nor counsel for, nor
14 related to any of the parties to the action in which
15 these depositions were taken, and further that I am
16 not a relative of any attorney or counsel employed
17 by the parties hereto, or financially interested in
18 this action.

19

20



22

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25

PBPB-39
Revised (02-04)

ORDER TO RECOMMIT
COMMONWEALTH OF PENNSYLVANIA BOARD OF PROBATION AND PAROLE

Name: KEVIN JESSUP

Inst. No: CX8799

Parole No: 496AS

District: CO - Central Office

SID: 21714127

Date Paroled: 04/09/2001

Inst Parole From: SCICT - SCI - Coal Township

Recommit To: SCICT - SCI - Coal Township

Status: TPV CPV

The above-named individual who was conditionally released on parole by the Pennsylvania Board of Probation and Parole has been found by the Board to have violated the conditions of parole. Therefore, the Board, by virtue of the authority conferred on it by law, orders said individual recommitted for further imprisonment for the remainder of the unexpired maximum term, or until otherwise released or discharged according to law.

County, Bill & Term and OTN

County Name	OTN	Arraignment Number	Minimum Date
PHILAD	M6413794	CP 950300033	01/26/2001
PHILAD	M6413794	CP 950300033	01/26/2001

Parole Violation Date Calculation

Original Maximum Date: 01/26/2007

- Parole/Reparole/Delinquency/Board Warrant Date: 04/09/2001

+Constructive Parole Time Added: 0D

- Confinement Time: 0D

- Backtime Credit: 147D

= Backtime Owed: 1971D

+ Custody for Return: 04/14/2009

= Recomputed Maximum Date: 09/06/2014

+ Escape Time: 0D

= New Maximum Date: 09/06/2014

Backtime Dates:

Start Date	End Date	Days
09/26/2001	02/20/2002	147D

Time Lost Due to:

Delinquency: 0D

Service of Another Sentence: 0D

Conviction(s) Resulting in Recommitment

Sentence Date	Sentence Authority	Arraignment	Term	Length	Days	Probation/Parole
2 11/24/2008	FEDERA - FEDERAL COUNTY	02CR00032-01	24 MONTHS			FED - FEDERAL
Parole/Release/Max Date: 04/14/2009 Confined: Y						
Comments: ORIGINALLY SENTENCED ON 9/23/2002 TO 162 MONTHS. CONVICTION & SENTENCE VACATED ON 11/21/2006 AND RESENTENCED ON 11/21/2006 TO 95 MONTHS. RE-SENTENCED AGAIN ON 11/24/2008 TO 24 MONTHS						

Hershey #11



Last Modified Date and Time: 4/17/2009 1:13:17PM

Page 1 of 2

DEF000901

GRIEVANCE No. 27195.

APPEAL TO FACILITY MANAGER

From INMATE: JESSUP, KEVIN, CX8799

Facility: SCI-COAL Township

Housing Location: B8-Block

SCI COAL TOWNSHIP

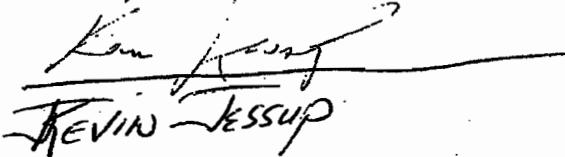
TODAY MAY 26 PM 2:18

Superintendent's Assistant
Office

RE: Appeal From Initial Review Response

Inmate Jessup, respectfully appeals the denial of his Initial Grievance No. 27195. Inmate Jessup does understand that the Parole Board and the Department of Corrections are two separate entities, but Inmate Jessup is not requesting the Department of Corrections to use any authority over the Parole Board. Under 42 Pa.C.S.A. § 9760, the Department of Corrections has authority to credit inmates for time spent in custody. If there is a mistake either made by the Courts and/or the Board in giving an inmate credit for time spent in custody, the Department of Corrections has the authority to credit an inmate the correct time spent in custody to the new sentence and/or the original sentence. As such the grievance clearly states that Inmate Jessup is owed a total of 5 years 10 months and counting that need to be credited towards his original sentence. For that reason Inmate Jessup respectfully requests that the Facility Manager grant Inmate Jessup this appeal and have the 5 years 10 months plus credit towards his current sentence.

Respectfully Submitted



KEVIN JESSUP

Date: 5/23/09

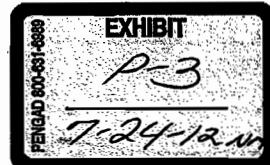


CC File

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

DAMON CHAPPELLE,)
)
)
Plaintiff)
v.)
) Civil No.: _____
DAVID VARANO,)
SUPERINTENDENT, SCI-COAL)
TOWNSHIP;)
MICHELLE KODACK,)
RECORDS SUPERVISOR, SCI-)
COAL TOWNSHIP; DEBORAH)
HERBST, RECORDS SPECIALIST,)
SCI-COAL TOWNSHIP;) Jury Trial Demanded
MR. DUNN, UNIT MANAGER,)
SCI-COAL TOWNSHIP;)
MS. FOULDS, COUNSELOR,)
SCI-COAL TOWNSHIP;)
JOHN DOE; JANE DOE 1; and,)
JANE DOE 2)
) Electronically Filed
in their individual and)
official capacities,)
)
Defendants.)

COMPLAINT



I. INTRODUCTION

1. Plaintiff, Damon Chappelle, by and through his attorney, brings this civil rights action for damages under 42 U.S.C. § 1983, asserting an overdetention claim under the Eighth Amendment to the United States Constitution and a false imprisonment claim under Pennsylvania law.
2. This is an action to recover for the unlawful incarceration of Damon Chappelle by employees of the Pennsylvania Department of Corrections (DOC). Mr. Chappelle was wrongfully imprisoned in a federal facility from February 11, 2009 to April 14, 2009 by virtue of an illegal state detainer, which Defendants failed to lift. After that, Mr. Chappelle was illegally imprisoned by Defendants from April 14, 2009 until July 31, 2009 at SCI-Coal Township in Northumberland County, Pennsylvania. During that time, Mr. Chappelle repeatedly told Defendants that he was being illegally incarcerated and asked for their assistance, but they refused to help him. Mr. Chappelle now seeks compensation for this wrongful detention.

II. JURISDICTION AND VENUE

3. This Court has jurisdiction over the constitutional claims pursuant to 28 U.S.C. §§ 1331 and 1343. This Court has jurisdiction to issue declaratory relief under 28 U.S.C. §§ 2201(a) and 2202. The Court

has supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367(a).

4. Venue is proper under 28 U.S.C. § 1391(b), as the causes of action upon which the complaint is based arose in Northumberland County, Pennsylvania, which is in the Middle District of Pennsylvania.

III. PARTIES

5. Plaintiff, Damon Chappelle, is a citizen of the United States of America currently residing in Philadelphia, Pennsylvania.
6. Defendants Superintendent David Varano, Records Supervisor Michelle Kodack, Records Specialist Deborah Herbst, Unit Manager Dunn, and Counselor Foulds were at all times relevant hereto DOC employees at SCI-Coal Township, located in Northumberland County, Pennsylvania, and were acting under color of state law.
7. Defendants John Doe, Jane Doe 1, and Jane Doe 2 also worked at SCI-Coal Township and were acting under color of state law.
8. All defendants are sued in their individual and official capacities.

IV. FACTS

9. In 1996, Mr. Chappelle was convicted (under the alias of "Kevin Jessup") in the Court of Common Pleas for the First Judicial District

of Pennsylvania of state criminal charges and was sentenced to a total term of imprisonment of 6 to 12 years.

10. Mr. Chappelle's sentence began on January 26, 1995. His minimum date (the date on which he was first eligible for parole) was January 26, 2001, and his maximum release date was January 26, 2007.

11. In April 2001, Mr. Chappelle was granted parole by the Pennsylvania Department of Probation and Parole, after serving 6 years and 72 days of his sentence. This left 5 years and 293 days on his sentence.

12. In September 2001, while on parole, Mr. Chappelle was arrested. He was originally charged with offenses under Pennsylvania law. However, the Commonwealth soon withdrew the state charges and the federal government adopted the case and charged Mr. Chappelle with federal offenses.

13. Mr. Chappelle was not prosecuted by the Commonwealth of Pennsylvania in connection with the September 2001 arrest. The only new criminal case generated by the September 2001 arrest was a federal case.

14. Mr. Chappelle was re-incarcerated by the DOC as a "Technical Parole Violator" due to his arrest and violation of the parole conditions imposed on him in his 1996 state case.

15. At the time of the September 2001 arrest, Mr. Chappelle had been "on the street" and not incarcerated for approximately 170 days. Under Pennsylvania law, this "street time" was added to Mr. Chappelle's original maximum date of January 26, 2007. Therefore, Mr. Chappelle's new maximum date on his state sentence was on or about July 15, 2007.

16. Mr. Chappelle served the entire remainder of his 12-year state sentence in DOC custody at SCI-Coal Township from the time of his re-arrest in 2001 until July 18, 2007.

17. On July 18, 2007, upon completion of his state sentence, Mr. Chappelle was released from SCI-Coal Township and was transferred to federal custody to serve his federal sentence arising from the September 2001 charges, which had by that point, become convictions.

18. Mr. Chappelle's federal judge had recommended that he participate in certain programs while serving his federal sentence, as part of a Release Preparation Program which would release him to a halfway house on or about February 11, 2009.

19. While in federal custody, however, a state detainer prevented Mr. Chappelle's participation in the Release Preparation Program and

caused him to remain in federal prison beyond February 11, 2009.

Because Mr. Chappelle had previously served the entirety of his state sentence, this detainer was imposed in error.

20. While in federal custody, Mr. Chappelle sought help from Defendants in getting the detainer lifted so that he could participate in the required programs and be eligible for supervised release on or about February 11, 2009.

21. Despite their knowledge of the risk that the detainer had no legal basis, Defendants did not assist Mr. Chappelle or investigate whether the detainer was lawfully imposed.

22. Defendants' failure to assist Mr. Chappelle with the illegal detainer caused him to remain imprisoned in federal custody illegally from February 11, 2009 to April 14, 2009.

23. On April 14, 2009, Mr. Chappelle was released from federal custody and taken back to SCI-Coal Township where he was re-incarcerated, despite having already served his 12-year maximum state sentence.

24. Upon Mr. Chappelle's return to SCI-Coal Township, he immediately began filing Request to Staff Member forms and using the grievance process to alert DOC staff members that he was being illegally detained.

25.Upon Mr. Chappelle's arrival at SCI-Coal Township, DOC records staff, including Defendants Records Supervisor Kodack and Records Specialist Herbst, issued him a Sentence Status form indicating a total sentence of 6 to 12 years and a controlling maximum date of January 26, 2007.

26.This form accurately reflected that Mr. Chappelle's maximum sentence was 12 years.

27.Approximately ten days later, DOC records staff, including Records Supervisor Kodack and Records Specialist Herbst, informed Mr. Chappelle that the DOC had extended his maximum date to 2014.

28.On or about May 18, 2009, Mr. Chappelle filed a Request to Staff Member form to Defendant Kodack requesting to speak with her regarding his total time incarcerated at SCI-Coal Township. Mr. Chappelle stated that an error had been made in his sentence calculation.

29.Records Specialist Deborah Herbst summarily responded to Mr. Chappelle's request, merely telling him that he needed to contact the Parole Board for answers.

30.Records Supervisor Kodack responded to Mr. Chappelle's grievance regarding the incorrect calculation of his sentence and his illegal

detention by stating that the Parole Board was responsible for sentence calculations and that the issues raised in his grievance needed to be addressed to the Parole Board.

31. Mr. Chappelle was not being held in the custody of Parole Board; he was imprisoned by the DOC.

32. Nonetheless, Mr. Chappelle also sought help from the Parole Board to address his illegal detention, yet he received no assistance.

33. Thus, Mr. Chappelle was entirely dependent on Defendants at SCI-Coal Township, to investigate and resolve this urgent problem.

34. Mr. Chappelle appealed his initial grievance denial and Superintendent Varano responded to this appeal by rubber-stamping Defendant Kodack's initial response that any sentence calculation issues are handled by the Parole Board.

35. As DOC records personnel, Defendants Kodack and Herbst had a duty to ensure the accuracy of inmate sentence information for inmates held in DOC custody at SCI-Coal Township.

36. This duty required that Defendants Kodack and Herbst investigate and resolve sentence calculation problems and other records-related problems that could negatively impact inmates and that could result in overdetention.

37. Defendants Kodack and Herbst knew about Mr. Chappelle's concerns regarding an error in his sentence and maximum release date and about his complaint that he was being illegally detained, because Mr. Chappelle brought these problems to their attention repeatedly.

38. Defendants Kodack and Herbst were aware that Mr. Chappelle had not incurred any new state convictions or sentences and that he had already served the full 12 years on his 6-to-12 year state sentence. Yet neither Kodack nor Herbst took any actions to investigate whether the 2014 maximum release date was in error or whether Mr. Chappelle was being imprisoned without legal basis.

39. Defendants Kodack and Herbst were aware that Mr. Chappelle's maximum release date was more than two years old, creating a real risk that he was being illegally held in DOC custody.

40. Despite this knowledge of the risk that Mr. Chappelle was being held illegally, neither Defendant Kodack nor Defendant Herbst took any meaningful steps to investigate Mr. Chappelle's complaints. Rather, they chose merely to refer Mr. Chappelle to the Parole Board, a referral that was useless, as the Parole Board offered him no assistance.

41.By their failure to investigate Mr. Chappelle's complaint and take steps to assist him in resolving it, Defendants Kodack and Herbst caused Mr. Chappelle to be illegally detained.

42.After being taken back to SCI-Coal Township in April 2009, Mr. Chappelle sent Request to Staff Member forms to Defendant Superintendent David Varano, alerting him that he had previously served his entire state sentence and was currently being held illegally.

43.Defendant Varano responded that Mr. Chappelle could direct his issue to SCI-Coal Township's records office (where Kodack and Herbst worked), and that a supervisor would be able to assist him.

44.As described above, Mr. Chappelle had already done that, and continued to do that, resulting in no help whatsoever.

45.On April 22, 2009, Mr. Chappelle's federal criminal attorney wrote to Defendant Varano informing him that a legal error had been made in calculating Mr. Chappelle's sentence and asking Varano to order a review of Mr. Chappelle's records so that a determination could be made that he was eligible for release from custody.

46.Despite these requests for assistance from both Mr. Chappelle and his lawyer, Defendant Varano did not take any steps to investigate or

resolve the problem. This failure to act resulted in Mr. Chappelle's continued illegal detention at SCI-Coal Township.

47. As the Superintendent, Defendant Varano had a duty to ensure that all inmates in DOC custody at SCI-Coal Township were lawfully imprisoned there.

48. To carry out this duty, when an individual's liberty is at stake, Defendant Varano had a responsibility to actively take steps to ensure the accuracy of all inmate records at SCI-Coal Township and, if the records were not accurate, to correct them.

49. By his failure to investigate Mr. Chappelle's complaint and take steps to assist him in resolving it, Defendant Varano caused Mr. Chappelle to be illegally detained.

50. Between April 14, 2009 and July 31, 2009, Mr. Chappelle frequently asked Defendants Unit Manager Dunn and Counselor Foulds for help regarding his illegal detention and regarding the universal refusal of other DOC employees to help him.

51. Despite their knowledge of the risk that Mr. Chappelle was being held illegally, neither Defendant Dunn nor Defendant Foulds took any meaningful action to investigate or resolve Mr. Chappelle's concern.

52.Defendants Dunn and Foulds' failure to investigate Mr. Chappelle's complaint and assist him in resolving it resulted in Mr. Chappelle's illegal detention at SCI-Coal Township.

53.After his return to SCI-Coal Township, Mr. Chappelle also filed Request to Staff Member forms to Defendant John Doe, informing him that he had previously served his entire state sentence, and asking Defendant John Doe to investigate his continuing illegal detention at SCI-Coal Township.

54.Defendant John Doe refused to respond to Mr. Chappelle's requests or take any actions to investigate the matter.

55.Defendant John Doe's failure to act resulted in Mr. Chappelle's continued illegal detention at SCI-Coal Township.

56.Mr. Chappelle also filed Request to Staff Member forms to Defendant Jane Doe 1 stating that the DOC was illegally detaining him by failing to give him credit for nearly six years he previously served in state custody.

57.Mr. Chappelle further stated that he had court documents that Defendant Jane Doe 1 needed to review regarding this issue, and requested a meeting to speak with her in person.

58.Mr. Chappelle filed a subsequent request to Defendant Jane Doe 1 stating again that there was a serious error in his sentence calculation and that he wished to speak with Jane Doe 1 in person to discuss his sentence.

59.In each instance, Jane Doe 1 simply told Mr. Chappelle to appeal his Parole Board action, and did not take any other steps to investigate whether Mr. Chappelle was being illegally detained.

60.Jane Doe 1's failure to investigate or take any other steps to resolve Mr. Chappelle's problem resulted in his continued illegal detention at SCI-Coal Township.

61.In May 2009, Mr. Chappelle filed a Request to Staff Member form to Defendant Jane Doe 2 asking to speak with her about his sentence.

62.Mr. Chappelle informed Jane Doe 2 that he had supporting documents to show her which would prove that he was being held illegally.

63.Jane Doe 2 did not even respond to Mr. Chappelle's request and did not take any steps to investigate or resolve Mr. Chappelle's illegal detention problem, resulting in Mr. Chappelle's continued illegal detention at SCI-Coal Township.

64.Defendants' failure to investigate and resolve Mr. Chappelle's illegal detention at SCI-Coal Township caused Mr. Chappelle severe mental

and emotional anguish, as it resulted in his continued imprisonment for no legal reason.

65. Mr. Chappelle wrote to the SCI-Coal Township Psychology Department, complaining of stress, mental frustration, and inability to sleep.

66. The Psychology Department provided Mr. Chappelle with mental health medications but discounted the underlying cause of his distress – the fact that he was being held illegally - simply telling him to resolve the matter with his attorney.

67. On or about July 20, 2009, Mr. Chappelle filed a pro se mandamus petition in the Commonwealth Court of Pennsylvania seeking release from DOC custody, asserting that the DOC was illegally imprisoning him at SCI-Coal Township.

68. The DOC never filed a response to Mr. Chappelle's mandamus petition.

69. Instead, on July 31, 2009, the DOC released Mr. Chappelle from SCI-Coal Township without any explanation.

70. Mr. Chappelle's release did not follow standard inmate release procedures, as Unit Manager Dunn hurried Mr. Chappelle out of SCI-

Coal Township and onto a bus without allowing Mr. Chappelle to arrange for his own ride.

71. After releasing Mr. Chappelle from SCI-Coal Township, the DOC filed an "application for relief suggesting mootness" in the Commonwealth Court mandamus action.

72. Defendants' conduct, as alleged above, resulted in the unjustified loss of Mr. Chappelle's liberty for over five months and caused Mr. Chappelle severe mental and emotional suffering, including stress, anxiety, depression and sleeplessness.

V. CAUSES OF ACTION

Count I - Overdetention

Against All Defendants

73. Mr. Chappelle realleges and incorporates by reference all preceding allegations.

74. As set forth above, the failure of Defendants Varano, Kodack, Herbst, Dunn, Foulds, John Doe, Jane Doe 1, and Jane Doe 2 to take meaningful steps to investigate and resolve Mr. Chappelle's complaints about his illegal detention, despite their knowledge of the risk that Mr. Chappelle was being held illegally, constitutes deliberate

indifference in violation of Mr. Chappelle's Eighth Amendment rights.

75. As a direct and proximate cause of the actions and omissions of the Defendants, Mr. Chappelle was illegally incarcerated from February 11, 2009 until July 31, 2009 and thereby suffered harm to his person, liberty, dignity, and to his rights under the Eighth Amendment to the United States Constitution; as described above.

Count II – false imprisonment

Against All Defendants

76. Mr. Chappelle realleges and incorporates by reference all preceding allegations.

77. Mr. Chappelle was unlawfully incarcerated, against his will, from February 11, 2009 until July 31, 2009, by Defendants, as described above.

78. As a direct and proximate result of the actions and omissions of the Defendants, in falsely imprisoning him, Mr. Chappelle suffered harm to his person, liberty, and dignity, as described above.

VI. RELIEF

WHEREFORE, Mr. Chappelle requests that this Court:

1. Issue a declaratory judgment that the Defendants violated his constitutional rights;
2. Award compensatory damages to Mr. Chappelle against Defendants;
3. Award punitive damages to Mr. Chappelle against Defendants;
4. Award the costs of this action to Mr. Chappelle;
5. Award reasonable attorneys' fees to Mr. Chappelle; and
6. Award such other and further relief as this Court may deem appropriate.

Respectfully submitted,

s/ Jennifer J. Tobin

Date: February 11, 2011

Jennifer J. Tobin
Attorney I.D. # PA 202047
PA Institutional Law Project
718 Arch Street, Ste. 304 South
Philadelphia, PA 19106
Tel: 215-925-2966
Fax: 215-925-5337
E: jtobin@pailp.org

Attorney for Plaintiff Damon Chappelle

10
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA
PROBATION OFFICE

DANIEL W. BLAHUSCH
CHIEF U.S. PROBATION OFFICER

FEDERAL OFFICE BUILDING
600 ARCH STREET, SUITE 2400
PHILADELPHIA, PA 19106-1679
215-597-7950
FAX # 215-597-8856

April 22, 2009

SCI Coal Township
1 Kelley Drive
Coal Township, PA 17866-1020

Attn: Record Room

RE: JESSUP, Kevin
AKA Damon Chappelle
DOB - 4/3/75
Inmate No. CX 8799

Dear Sir:

On September 23, 2002, Mr. Jessup appeared before the Honorable Jay Waldman in the Eastern District of Pennsylvania under docket 02-CR-032-01 and was sentenced to 162 months custody to be followed by six years supervised release. On November 21, 2006, this sentence was vacated and Mr. Jessup was re-sentenced by the Honorable Timothy Savage to 95 months custody to be followed by four years supervised release. His sentence was subsequently reduced to 24 months custody on November 24, 2008. On April 14, 2009. Mr. Jessup completed his federal custodial sentence and was released to a detainer located by the Pennsylvania Board of Probation and Parole.

We confirmed that Mr. Jessup is presently incarcerated at your facility with no set release date. The purpose of this letter is to request that our office be notified when Mr. Jessup is scheduled to be released from custody. At that time, he will commence his four year supervised release term. Therefore, Mr. Jessup will be required to report to the U.S. Probation Office at the William J. Green Federal Building, 600 Arch Street, Suite 2400, Philadelphia, PA 19106 within 72 hours of release from custody or to the Probation Office in the state of his residence.

Please have Mr. Jessup sign this letter to verify his understanding of his federal supervision status. A copy of this letter should be mailed to this office at the above address. Please keep a signed copy of this letter in Mr. Jessup's institution file and provide him with a copy.



RE: JESSUP, Kevin
AKA Damon Chappelle
Inmate No. CX 8799
Page Two

Your assistance rendered in this matter will be greatly appreciated. If you have any questions, please feel free to contact me at 267-299-4595.

Sincerely,

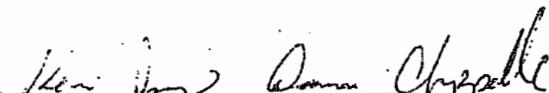
Daniel W. Blahusch, Chief
U.S. Probation Officer



Alice Colloton
Supervising U.S. Probation Clerk

/ac

cc: Kevin Jessup/Damon Chappelle



Kevin Jessup/Damon Chappelle

4/21/09

Date

Witness

Date

Form DC-135A

Commonwealth of Pennsylvania
Department of Corrections

INMATE'S REQUEST TO STAFF MEMBER

Mr. VARANO

1. To: (Name and Title of Officer)

Mr. VARANO ~~Supervisor~~

3. By: (Print Inmate Name and Number)

KEVIN JESSUP CX-8799

Ken Jessup

Inmate Signature

6. Work Assignment

2. Date:

4/17/09

4. Counselor's Name

APR 20 2009

5. Unit Manager's Name

T.O.C.

8. Subject: State your request completely but briefly. Give details.

I WAS RELEASED FROM FEDERAL CUSTODY ON 4/14/09 AND IMMEDIATELY DETAINED TO P.A. PAROLE ON VIOLATIONS. I ARRIVED AT S.C.I. COAT ON 4/15/09 AND HAS NOT SPOKEN TO ANYONE FROM PAROLE ABOUT THIS MATTER. THERE HAS BEEN AN ERROR I MAXED OUT MY REMAINING OF SENTENCE IN 2007. RECORDS WILL VERIFY I WAS INITIALLY ARRESTED ON 1-25-95 SERVED 6 YEARS ON A 6 TO 12 yr. SENTENCE. PAROLED ON 4-9-01. RE-ARRESTED ON 9-26-01 AND REMAINED IN S.C.I. COAT UNTIL 7-18-07. ON 7-18-07 I SIGNED OUT OF S.C.I. COAT AND WAS TAKEN INTO THE U.S. MARSHAL CUSTODY FOR A FEDERAL DETAINER. I SERVED 24 MONTHS AND WAS DISCHARGE 4-14-09 NOW BACK IN S.C.I. COAT AND I SHOULD NOT BE BECAUSE MY SENTENCE IS OVER MAXED OUT. CAN SOMEBODY TELL ME WHAT'S GOING ON.

your issues can be addressed with both parole and our records office.

Obviously we would not be keeping you past your max date.

To DC-14 CAR only To DC-14 CAR and DC-15 IRS

Staff Member Name

DA. Varano Supt

Print

Sign

Date

4-22-09

Revised July 2000

CC: Ms Kodack
Parole office
file



DC-ADM 804, Inmate Grievance

Attachment B

DC-804
Part 2COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001OFFICIAL INMATE GRIEVANCE
INITIAL REVIEW RESPONSE

GRIEVANCE NO.

271957

TO: (Inmate Name & DC No.) JESSUP, Kevin CX-8799	FACILITY SCI-COA	HOUSING LOCATION B-B	GRIEVANCE DATE 5/5/2009
---	---------------------	-------------------------	----------------------------

The following is a summary of my findings regarding your grievance:

This is in response to Grievance Number: 271957

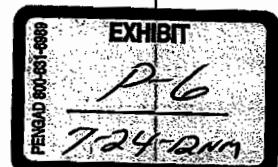
Mr. Jessup:

The Parole Board and the Department of Corrections are two separate entities. As such, the Department of Corrections has no authority over the Parole Board. The issues that you address in this grievance need to be addressed to the Parole Board.

Additionally, your parole violation backtime is calculated by the Parole Board and provided by them to the institutions Records Department for recording on your sentence status summary. Any questions or problems with your parole violation backtime calculation needs to be addressed to the Parole Board. We have no authority to change their calculation.

Taking all information into consideration your grievance is denied.

cc: Ms. Dascani
DC-15 Inmate Records
DC-14
File



Print Name and Title of Grievance Officer	SIGNATURE OF GRIEVANCE OFFICER	DATE
Michelle Kodack, Records Supervisor		May 21, 2009